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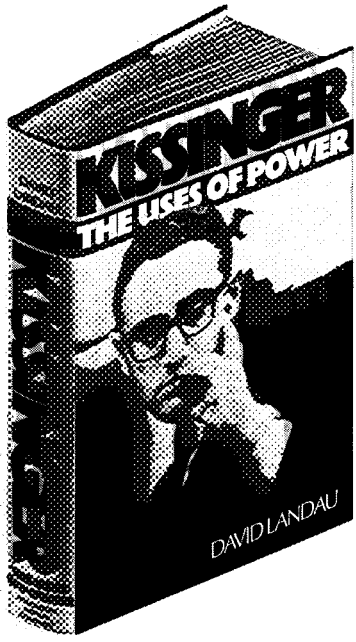

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How Ralph Nader, Tricia Nixon, the ABA, and Jamie Whitten Helped Turn the FTC Around

by Harrison Wellford

Like peasant girls in Victorian novels, regulatory agencies have a poignantly predictable life cycle. After a few good years, when they look better than they ever will again, they plunge quickly into old age. Dreams, ambition, and appeal all behind them, they dodder along clinging to the family or industry that gives them support. The duration of the bloom is the same for both—three or four years—and so is the permanence of decline. And so, when a regulatory agency well into passive old age suddenly rediscovers its youth, it is an event worth noting.

Burt Lancaster on TV urging Chevy owners to drive their cars slowly to the nearest dealer to repair faulty motor mounts; major oil companies ordered to post octane ratings on their pumps; the makers of Vivarin telling customers that the "miracle" stimulant's secret ingredient is actually the caffeine equivalent of two cups of coffee—these are a few of the signs that the Federal Trade Commission, long considered near death, is coming alive.

In less than three years, the FTC has changed from the most ridiculed and scorned regulatory agency to one of the most praised. In 1969, Ralph Nader described the agency, with reasonable accuracy, as "a self-parody of bureaucracy, fat with cronyism, torpid through inbreeding unusual even for Washington, manipulated by the agents of commercial predators, impervious to governmental and citizen monitoring." Even the American Bar Association, slightly less harsh in its criticisms, said shortly afterwards that unless the agency were radically reformed, it should be scrapped.

Since then, unprecedented changes have occurred. The mood at the FTC, for the first time, is less like a Southern pool hall and more like a vigorous, bustling public interest law firm. These changes are all the more striking, considering their political setting. During the same period, other agencies, like the Departments of Justice and Health, Education, and Welfare, also underwent dramatic transformations, but in the opposite direction. Stranger still, the FTC's revival has come under the supervision of a conservative Republican lawyer, from a Mainline Philadelphia firm, who made his reputation defending an imposing array of corporate clients.

The heart of the FTC's new approach has been a more creative use of its enforcement powers. Mainly, they have been turned against the same old abuses as before—frauds, deceptive advertising, the modern manifestations of the P. T. Barnum spirit. But while still hesitant, the FTC has also

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begun inching toward more fundamental reform of American industry and its protected, non-competitive structure.

Throughout its past, the FTC found adequate excuse for its inaction in the weakness of the sanctions it could apply. If it discovered a company bilking consumers, the agency's main weapon was a "cease and desist" order, which in effect tells the violator to go and sin no more. Even if enforced, these orders would not get the customer's money back; and the FTC rarely bothered to enforce them. With a blind faith in moral suasion, the FTC went for 15 years (before 1969) without checking on erring companies' compliance with their orders. (This is still a weak point, and the agency has only one lawyer monitoring compliance.)

The new FTC has experimented with new remedies which greatly diversify its legal arsenal:

■Ad Substantiation. This program, begun in 1970 in response to petitions from consumer advocates, shifts the burden of proof for complaints about advertising from the customer to the manufacturer. In the old days, a suspicious viewer would have to disprove Wonder Bread's claim that it builds strong bodies 12 ways. Now Wonder Bread has to bring in the charts and data to support its assertion. This program, says Utah's Senator Frank Moss, has been "successful, indeed startling, in revealing the widespread and flagrant absence of adequate substantiation." After looking through some of the data sent in by manufacturers, Moss concluded that "a substantial number of ad claims are backed by nothing but hot air." Others were more clearly fraudulent: The American Home Products Corporation, which sells Black Flag Roach Killer, demonstrated its product's worth in an ad comparing Black Flag with another roach killer containing Dieldrin. The Black Flag roaches died; the Dieldrin ones survived. When pressed, American Home Products admitted that the roaches were a specially-chosen strain, resistant to Dieldrin. Such cases embarrass the manufacturers, but, as we will see, there is some skepticism as to whether they have yet done much to inform consumers.

■Public Confessionals. In 1971, after looking at ad substantiation data, the FTC decided that Profile Bread was not as special as the ads had claimed. Instead of just warning Profile or prohibiting further deceptive ads, the FTC said that future ads would have to publicly admit the past deception. Since then, this same corrective-ad approach has also been used against Ocean Spray Cranberries, Inc. (which had been claiming that its cranberry juice had more food energy than orange or tomato juice; in fact, it had more calories but no more vitamins or minerals). During the next year, Ocean Spray will have to spend 25 per cent of its advertising money making up for the misconception that its old ads created. The FTC is now getting ready to make Wonder Bread and the aspirin-like family of painkillers (Bufferin, Anacin, Bayer, Excedrin, etc.) repair the damage done by their bogus claims to be different from normal bread and aspirin.

■Counter-Advertising. Consumer and environmental groups have prepared advertisements to challenge the see-buy-drive pitch of normal commercials; but local stations, supported by the Federal Communications Commission, have resisted airing them. Recently, the FTC has urged the FCC to allow the counter-ads. In doing so, the FTC has implicitly sided with groups like the Stern Community Law Fund, which has started a crusade against "government censorship of the airwaves." Stern's California office has produced two counter-ads, one against Chevrolet, and the other against the brand-name painkillers. In the latter, Burt Lancaster looks over a display of Bufferin and its high-priced, highly advertised competitors, and says, "Buy the least expensive plain aspirin you can find." The network's horror

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Richard Margolis *did a devastating* job on the Yevtushenko/Eugene McCarthy and Pals Madison Square Garden Jamboree that included this:

"The moment Yevtushenko heard about the tragedy (the bombing of impresario Sol Hurok's offices), he rushed to the scene of the crime, *inspected the debris and announced* he was writing a poem to commemorate the disaster. Millions thrilled to the news."

And in the midst of a scathing denunciation of John Mitchell's Justice Department, Walter Goodman wrote something guaranteed to cool the cockles of a lot of the hearts that go out to The New Leader.

"An enlightened district attorney, glancing over the evidence against Father Philip Berrigan and his disciples, would have had them shipped to juvenile court with the recommendation that they be put out for adoption in wholesome homes where they could be kept from temptation by FBI informers *and by each other.*"

For a change of pace, here's Andy Glass showing how a New Leader writer can be good without being bad, and why he is nonpareil in making arcane subjects understandable.

"In a cause-and-effect process, the financial communities in both Europe and Japan are once more betting against the Administration's ability to cope with financial problems. The freshly devalued dollar is being sold short without remorse in nearly every foreign capital.

"This is a brutal business, somewhat akin to one's *telling a former* mistress that he will again return her love if she makes herself more beautiful, and then spurning her once she has done so."

And from the back, Kitman rants, Simon raves, and Pearl Bell writes beautifully about some who do and some who don't.

The rear end of The New Leader expresses a simple point of view: If something isn't as good as it could be, it's bad. For example:

Marvin Kitman vs. Helen Gurley Brown: **"Predictably, she turns the conversation to sex. Sometimes I wish Miss Brown would just take a cold shower."**

John Simon vs. "The Godfather": **"Brando has a weak, gray voice, a poor ear for accents, and an unrivaled capacity for hamming things up by sheer underacting."**

Pearl Bell vs. Philip Roth: **"Humor these days runs to the attenuated malice of the put-down, which is to satire as a banana peel is to an epigram."**

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is less surprising than the FTC's defense of such tactics.

Cornflake Reform

While these remedies for deceptive advertising have been heralded by the press, many FTC insiders consider them rather superficial treatment for more fundamental economic problems. Instead of bothering with such symptoms of an oligopolistic economy, they urge the FTC to make a more basic attack on problems of competition and economic strength. They see a few recent cases as pointing in the right direction:

■The "Octane" Case. A major FTC weakness in the past is that, in protecting the consumer, it has had to proceed case by case, one manufacturer at a time. It is now asserting authority to issue trade regulation rules which would ban illegal practices across an industry in one swift stroke. Basing its authority on implied powers in the Federal Trade Commission Act, the FTC last year ruled that all gas stations would have to post octane ratings of gasoline on their gas pumps. Christian White, an FTC attorney on the case, observes: "This ruling will put money directly into the consumer's pocket. If the concept of the trade regulation rule is sustained, it will greatly increase our efficiency. We simply don't have the manpower to proceed case by case." A district court judge recently upheld the oil industry's claim that the FTC lacks the power to make such rulings. A bill giving the FTC explicit authority to issue trade regulation rules is now pending in the House.

■The "Cereal" Case. The FTC has been frequently criticized for avoiding major cases which, if won, would increase competition in concentrated industries, with maximum impact on the consumer. The FTC's recent complaint against the four top cereal manufacturers for illegally monopolizing their market is a hopeful sign that it has had a change of heart. According to Michael Mann, director of the FTC's Bureau of Economics, the cereal case is "one of the most exciting breakthroughs in antitrust policy in 50 years." The FTC charges that General Foods, General Mills, Kellogg, and Quaker Oats have artificially inflated prices and reaped excessive profits through restrictive shelf practices in supermarkets, unfair promotion efforts, and proliferation of brand names for virtually identical cereals. The case is unique in that it does not allege any conspiracy among the firms but instead attacks the basic market structure of the industry. The cereal industry, claiming that the FTC is attacking success and bigness per se, is vigorously resisting.

Why has all this happened now, and not five or ten years ago, when consumer protection would presumably have fit in better with the Administration's policy? Old timers naturally claim that the seeds for the FTC's rebirth were planted long ago, but it is clear that one crucial event occured in 1969. Then the first group of Nader's Raiders, still a fledgling band in Washington, gave the FTC what can only be called a merciless excoriation. Their report, released in January of that year, probed the agency's many faults—its blithe reliance on voluntary compliance; its sensitivity to frauds in the chincilla fur industry and other petty rackets and simultaneous neglect of monopolistic and deceptive practices by the major companies; its byzantine administrative procedures, which consumed 16 years before forcing Carter's to take the "liver" out of Little Liver Pills.

These charges were not entirely new; during the FTC's first 50 years, the Hoover Commission, congressional committees, and other bodies had studied the agency at least seven times and the reports were all unfavorable. What was new was the go-for-the-throat style of the criticism. Within a few pages of the Nader report, the FTC had turned into a 19th-century Tennessee county court house, paralyzed by its inhabitants' senility and

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incompetence. Convenient examples were provided by men like the FTC staffer whom Raiders, arriving for a mid-morning appointment, discovered dozing the day away, blanketed by the sports page of *The Washington Post*.

Inside the FTC, the report jarred the normal calm. "We read the Nader report with all the shock and titillation of a literary society in a nunnery discovering *Lady Chatterly's Lover*," says one survivor from the old FTC. Paul Rand Dixon, the FTC chairman who had come off in the report as boss-man of the Southern gang, only aggravated the publicity problem by launching a splenetic, equally personal counterattack. This kept the report in the news without rebutting any of its charges.

Romance and good timing gave the Nader report an extra boost. It came out just as a new President was taking office. As it turned out, one of the President's daughters, Tricia, was soon to marry one of the Nader's Raiders, Edward Cox. As Tricia explained events on a recent TV talk show, Nixon got a copy of the report, read it, was impressed, and resolved to reform the agency. Because he did not want to appear to be making a knee-jerk response to student critics, he asked the American Bar Association to make its own study of the FTC. When the ABA report came out and confirmed the charges, Nixon was ready to make the FTC the showpiece of a short-lived attempt to preempt the consumer movement.

The first step was to appoint a new chairman, Caspar Weinberger. Weinberger, a former finance director for Reagan's administration in California, came in as a reform chairman as Paul Rand Dixon's seven-year term ended. (Dixon remained, however, as one of the five commissioners.) Buoyed by what then seemed to be strong presidential support for reform, Weinberger began cleaning out the dusty corners. Dixon's old "Tennessee gang" was sent back to the country, a process eased by a reorganization plan which eliminated many jobs. Bright young people came in at the top. To Weinberger's credit, the purge was relatively non-partisan, despite the demands of a Republican party gorging at the patronage trough for the first time in eight years.

But Weinberger's stay was brief; he took office in January, 1970, and eight months later defected to the Office of Management and Budget. As they look back on him, many of his former FTC staff members conclude that his reform efforts were overrated. With the help of David Buswell, an able director of information, Weinberger quickly repaired the agency's public image. Special touches helped —such as naming one of the Nader's Raiders, Will Taft, as his assistant. While sponsoring this honeymoon with press and public, however, Weinberger resisted or was indifferent to some of the most important structural reforms. FTC staffers, aroused by Weinberger's press releases, found he did not take the statements as seriously as they did. Weinberger was also out of his depth in antitrust economics, claims Mark Silbergeld, a former FTC attorney (a failing which did not distinguish him from other commissioners, however). When the cereal case came up, Weinberger and at least two other commissioners were lukewarm about it. Key staff members were even shifted off the case in an attempt to squelch it. Even with his drawbacks, Weinberger did end public bickering between the commissioners and streamlined the agency's organization chart.

As Weinberger's replacement, Nixon selected Miles W. Kirkpatrick, a Republican lawyer from Philadelphia who had directed the ABA study. To the public interest bar, a lot about Kirkpatrick's establishment background looked suspicious. But in the last two years, the qualms have disappeared and Kirkpatrick has become one of the most widely respected public officials in Washington. "Kirkpatrick is the ultimate reasonable man," an associate said in a recent

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interview. "He's so fair it's frightening. He is very naive about politics but that allows him to stay above it. Miles came here to turn this agency around and has singlemindedly pursued that goal. He is not seeking anything else and everybody knows it. That makes him a very rare animal in Washington."

Kirkpatrick's own integrity, and the improvement he has brought in staff morale, are obvious elements in the FTC's new performance. Unlike Weinberger, who was aloof and inaccessible, Kirkpatrick literally leaves his door open to staffers with new ideas. He has also recruited a staff far above normal administrative caliber for the FTC's top positions. Three of his most celebrated appointments were Dr. Michael Mann, an economist from Boston College, as director of the Bureau of Economics; Alan Ward, an experienced antitrust lawyer, as head of the Bureau of Competition; and Robert Pitofsky, law professor from New York University, as director of the Bureau of Consumer Protection. Pitofsky, the most praised of the new appointees, had served on the ABA study team with Kirkpatrick.

Never a Captive

Beyond outside and inside reforms, however, other elements were necessary for the FTC's transformation. The evidence of many recent exposes —of agencies like the Food and Drug Administration—is that criticism only brings more firmly-set resistance. The single most important reason why the FTC was able to respond the way it did was that, unlike most other regulatory agencies, it was not targeted on any single industry. Even in its worst days, it was never a "captured" agency, in the sense that the Interstate Commerce Commission was captured by the railroads or the Federal Aviation Administration by the airlines. When Kirkpatrick came to the FTC, he had to contend with incompetence, passivity, low morale, and other residues of cronyism—but not with entrenched sappers from one determined industry.

As Mark Silbergeld has observed, "The FTC's regulatory actions, in the area of antitrust and deceptive practices, are not so technical, so intimately involved in the processes of a given industry, that they require much interchange of personnel between regulator and regulatee." This contrasts with, for example, the FDA, where the most available—and sometimes the only—source of expertise on a drug or cosmetic issue may be the industry itself. The FTC's lawyers and economists, in seeking out fraud and monopoly in American business as a whole, are less vulnerable to the "deferred bribe" of job offers than an FDA toxicologist who spends all day scrutinizing drug applications from Pfizer and Eli Lilly.

Other forces have kept up the momentum of reform. The press, in a striking change from its earlier boredom with regulatory questions, now pays attention to the FTC. In the sixties, Commissioner Philip Elman used to complain that the main trouble with the FTC was that no one was interested in it. Now, both the normal newspapers and a new consumer press generally support Kirkpatrick and Pitofsky. The difference this press support could make was revealed in 1970, in an early stage of the cereal case. While the commissioners were uncertain about fully developing the important antitrust case against the manufacturers, David Vienna, a reporter for *The Washington Post*, exploited numerous leaks from within the FTC. He turned them into a series of "Good Morning, Caspar," columns, putting Weinberger on notice that he had better live up to his progressive image with a case against the cereal makers. This pressure helped keep the case alive until Kirkpatrick's arrival.

The growing political strength of the consumer movement, and the public interest lawyers it has spawned, have also added to the momentum. These groups have given the FTC an

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informed and organized constituency (an alternate to its corporate clients) that hardly existed before 1969. Several of these advocates have even joined the FTC staff.

An indirect, but equally important effect of the consumer movement has been to make Congress more sympathetic to reform in the FTC. "Before I came to Washington," Pitofsky said recently, "I had always heard that aggressive enforcement would cause us to be cut off at the purse strings by the appropriations committees. This hasn't been so. Whitten's committee has not only held useful and relevant hearings, but he has consistently given us all we asked for and more."

The surprise source of this congressional largesse, Jamie Whitten of Mississippi, chairman of the House Agriculture, Consumer Protection, and Environment Appropriations Subcommittee, has resisted the Office of Management and Budget's attempts to tighten the FTC budget. Since 1969, the agency's funds have nearly doubled—from $16.9 million to $30 million in fiscal 1973. The 1973 appropriation from Whitten's subcommittee was $2 million above the FTC request.

Despite Whitten's legendary defense of the agribusiness industry, especially the pesticide makers, his support of the consumer-protectors is not entirely inconsistent. Whitten, like most of his subcommittee, hails from a rural constituency where the old Populist distrust of hucksterism and monopoly power still runs deep. Whitten has traded his support of consumer programs for urban-liberal support of his own legislation. Similar help for the FTC has come from Frank Moss and others on the Senate Commerce Committee.

Moral Aspirin

While these pro-consumer shifts in the FTC's institutional and political pressures are clearly significant, many observers are skeptical about the future vigor of the agency. As one senior staffer in the FTC's antitrust division put it, "It's all very well to improve the moral quality of advertising by making Bayer Aspirin tell the truth, but if it does not lower prices, improve product quality, and reduce market concentration, it's an exercise in futility. There is no sign yet that corrective ads or ad substantiation is achieving any of these goals. Pitofsky still believes that advertising ethics and present profit levels can peaceably coexist. It hasn't dawned on him that business deceives the consumer for only one reason—to make money." Another attorney remarked on the advertising cases: "The FTC still takes a quantitative approach to law enforcement. The emphasis is on winning cases, not on winning important cases. The bureau chiefs still prefer the noisy cases which don't cost anybody too much money."

The critics point out that very little of the product data compiled by the ad substantiation program has reached the consumer, partly because it is too technical or incomplete for the layman to make sense of. The Center for Auto Safety, after analyzing data submitted to the FTC by the automobile industry, concluded that it was a "mockery of the FTC" and of the principle of truth in advertising.

Robert Pitofsky, in defense of the program, argues that "ad substantiation is a successful program which should be retained." He concedes that it has not attracted great crowds of consumers to the FTC library but feels that it is up to public interest groups and the press to "translate all this technical jargon into meaningful lay jargon." The program, he claims, is bringing about a fundamental change in the way ads are developed and cleared. The major ad agencies have introduced new review procedures to make sure they will not be embarrassed or ridiculed for making claims they cannot support. Arguing that a primary cause of industry concentration is consumer ignorance, Pitofsky stresses that the FTC must get more information to the consumer if competition is to have a chance. Secrecy

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kills incentives for product improvement, encourages trivial ads, and instills the assumption that the more a product costs, the better it is.

It is really too soon to assess the impact of the FTC's new look on monopoly and deceptive practices in the business community, but most observers agree that the potential for basic reform is there. Thomas Hiura, editor of the *Antitrust Law and Economics Review*, recently praised Kirkpatrick for beginning to combine legal and economic analysis in developing major cases but concluded that the economic benefits of his case work to date are probably slight, if not zero. As Mark Silbergeld put it, in assessing the FTC, "The dog has learned to bark and even takes a nip now and then but will it ever learn to bite?"

The Counterattack

The big question now is whether the FTC will survive long enough to realize its potential. The commissioners' shaky response to growing business attacks on the agency suggests an answer in the negative. While the business counterattack has been more of a preemptive strike than a reaction to any real damage done to date, it has, in the view of several staffers, scared the daylights out of the Commission. The counterattack has been led by broadcasters, ad agencies, bankers, and the soft drink industry. The broadcasters, even more than the ad agencies, are alarmed out of fear that counter-advertising and corrective ads will scare advertisers away from the TV medium, costing them millions of dollars. The bankers have mobilized because of a proposed FTC trade regulation rule that would overturn the "holder in due course" doctrine. This is an issue of the greatest importance to consumers. Consider the case of a consumer who purchases aluminum siding on credit from a contractor and then discovers it is faulty. The consumer is not obligated to pay, *unless* the contractor has sold his credit obligation to a bank. In this case, if the bank has purchased the obligation in good faith without knowing of the contractor's blunder, the consumer has to pay the bank even though he has a valid claim against the contractor. The FTC proposes to protect the consumer in such cases, and bills with the same purpose have been introduced in Congress. Just as militant as the broadcasters and bankers are the soft drink companies, whom the FTC has accused of price-fixing by granting exclusive territories to their bottlers. In each case, the industries have felt sufficiently threatened to mobilize ad hoc task forces against the FTC.

The bankers and soft drink bottlers have been particularly effective in Congress. The bill to give the FTC specific legal authority to issue trade regulation rules is facing heavy pressure from the bankers' lobby. One House source told *The Christian Science Monitor*: "I've never seen anything quite like this lobbying. There's even heavier lobbying on this bill [than on the consumer product safety bill being throttled in the House Rules Committee]." The National Soft Drink Association has launched a lavishly financed drive for legislative relief. The Coca-Cola bottlers alone have contributed over $200,000. They are getting results. Over 200 congressmen have introduced a total of 85 bills to protect the bottlers from the FTC.

The broadcasters and ad agencies have also found solace in the White House. Herb Klein, the President's communications director, has publicly stated that he regards the ad substantiation program as "part of an increasing attack on advertising itself—an important part of business life." A free press requires free advertising, he stated in the same speech. Klein has an ally in H. R. Haldeman, who, before joining Nixon as chief of his personal staff, spent eight years with J. Walter Thompson, an ad agency which the FTC has cited for deceptive practices. President Nixon's opposition to the FTC's new remedies

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became public knowledge in July when he told 30 starry-eyed broadcasters, at a briefing arranged by Klein, that counter-advertising could destroy brand advertising. He said it reminded him of stores in Russia with nothing but gray boxes on their shelves. After apologizing for the FTC's vigor, the President then lamented that, while he had hired its chairman, he could, alas, not fire him for five more years. The White House, it is rumored, has offered Kirkpatrick a federal judgeship in Philadelphia as inducement for him to step down as chairman. It is little wonder that relieved broadcasters are publicly predicting "calmer seas ahead."

While these events are in fact accolades to the FTC's growing effectiveness as a consumer protector, they are also gloomy portents for its future. Resistance to key programs and hostile signals from the White House have recently demoralized the agency. TV stations, encouraged by the FCC, refuse to run counter-ads; the octane ruling has been overturned in a district court and must survive a difficult appeal; and the cereal case is mired in legal delay. Anticipatory politics, a euphemism in the FTC for total passivity and the *fleur du mal* of regulatory integrity, is beginning to bloom among the careerists on the FTC staff.

The agency's most vulnerable point is the delicate balance of power among the five commissioners. Several key votes on the FTC's new departures have been three to two, with Kirkpatrick, Paul Rand Dixon, and Mary Gardiner Jones often lined up against Everette MacIntyre and David Dennison, (although none of the commissioners fits neatly into conservative-progressive categories). The cereal case was endorsed by this narrow margin. Counter-advertising would certainly lose if it came before the Commission now. MacIntyre has said in effect, "If I had known what it was, I would have voted against it." But Dixon, who opposed it originally, has adopted the attitude, "we did it, now we have to defend it." (Dixon's early populist instincts appear to have revived. Mark Silbergeld, one of the FTC's critics, notes that with the exception of his vote against corrective advertising, Dixon "has been about as good as any consumer could wish since he left the chairmanship.")

Kirkpatrick has managed to construct a progressive majority on most key issues but rumors persist that he will soon leave. Even if he stays, the balance of power is likely to turn against him. Jones' term expires in 1973 and she will not be reappointed. MacIntyre, who at age 70 must get an annual presidential waiver from compulsory retirement, can be expected to dance the White House tune if he is extended again, which is unlikely. Within the next 12 months, therefore, Nixon may well have the opportunity to appoint two and probably three new commissioners. As one of the agency's young Turks remarked ruefully, "Paul Rand Dixon may be the only friend we have left. Isn't that a hell of a note?"

While Kirkpatrick protests publicly that he intends to carry on, his executive staff is acting like the game is over. Pitofsky; Lawrence Meyer, chief of policy planning; Basil Mezines, the FTC's executive director; and Nancy Buc, head of consumer education and a former attorney-advisor to Kirkpatrick, will all be leaving the agency six months from now. Nancy Buc may have spoken for the group when she told *Advertising Age* that her decision to leave "was largely influenced by the feeling that after Nixon's reelection, this agency is slated for extinction."

If she is correct, the FTC, in the coming months, will provide a vital test of the political muscle and staying power of the consumer movement. Will the committees of Moss, Warren Magnuson, and Whitten, the consumer press, and the public interest advocates, the fragile supports of the consumer movement, be able to restrain a second-term President who believes consumerism has passed its peak? Watch the FTC and see. ■

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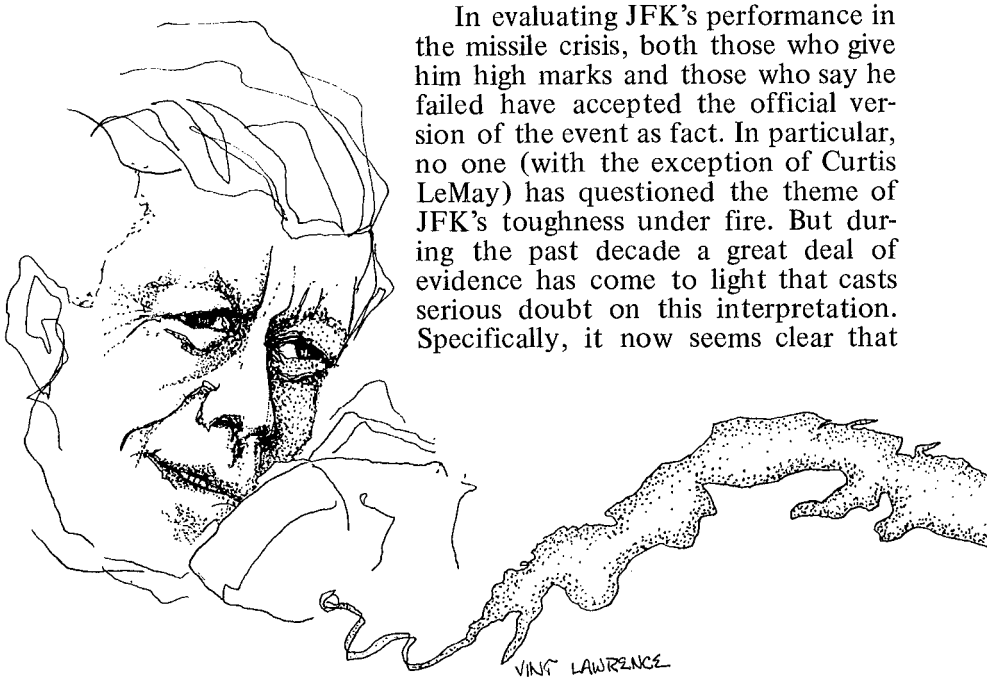
Cuban Missiles and Kennedy Macho:

by Graham Allison

The story of the Cuban missile crisis, as told both by fans and critics, is a tale of machismo. President John F. Kennedy stood "eyeball-to-eyeball" with Chairman Khruschev, faced him down, and forced the Soviet Union to withdraw its offensive missiles from Cuba. Instant histories written in the wake of President Kennedy's assassination praised the Administration's bold moves in the missile crisis, particularly JFK's guts in refusing to compromise American interests, and his courage in sticking to the original demand that all Soviet missiles be removed without a quid pro quo. More recently, revisionists have criticized Kennedy's recklessness and irresponsibility in insisting that Khruschev capitulate and cry uncle during a confrontation that JFK himself judged to have a one-in-three chance of nuclear war.

Graham Allison teaches politics at Harvard.

In evaluating JFK's performance in the missile crisis, both those who give him high marks and those who say he failed have accepted the official version of the event as fact. In particular, no one (with the exception of Curtis LeMay) has questioned the theme of JFK's toughness under fire. But during the past decade a great deal of evidence has come to light that casts serious doubt on this interpretation. Specifically, it now seems clear that



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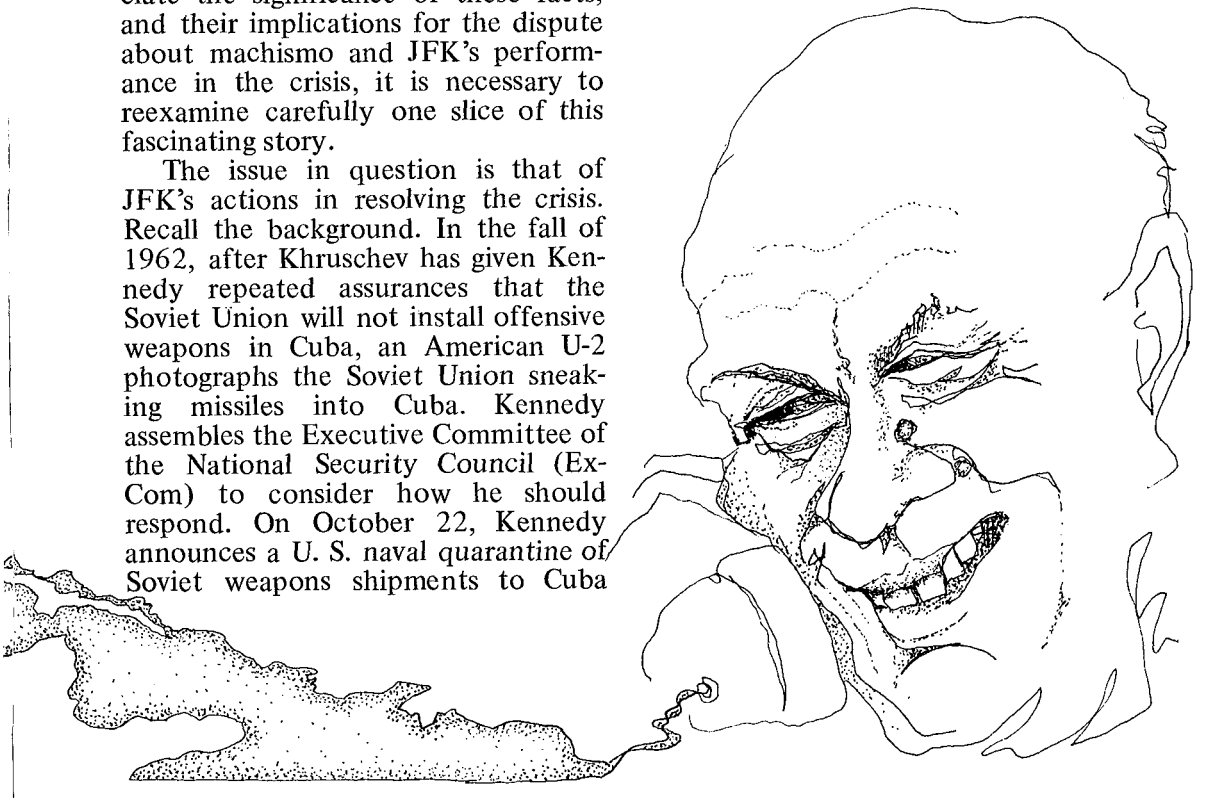
New Evidence to Dispel the Myth

on Saturday, October 27, the next to last day of the crisis: 1) Soviet surface-to-air missiles (SAMs) shot down an American U-2 reconnaissance plane over Cuba, and Kennedy refused to retaliate; 2) Kennedy ordered U. S. missiles in Turkey defuzed; and 3) JFK sent his brother, Robert Kennedy, to Soviet ambassador Dobrynin to arrange a private "deal." To appreciate the significance of these facts, and their implications for the dispute about machismo and JFK's performance in the crisis, it is necessary to reexamine carefully one slice of this fascinating story.

The issue in question is that of JFK's actions in resolving the crisis. Recall the background. In the fall of 1962, after Khruschev has given Kennedy repeated assurances that the Soviet Union will not install offensive weapons in Cuba, an American U-2 photographs the Soviet Union sneaking missiles into Cuba. Kennedy assembles the Executive Committee of the National Security Council (ExCom) to consider how he should respond. On October 22, Kennedy announces a U. S. naval quarantine of Soviet weapons shipments to Cuba and demands that the Soviets withdraw all strategic offensive missiles from the island. The next day, Soviet ships steaming toward Cuba stop dead on the water, just outside the blockade. But work at the Cuban missile sites proceeds at an accelerated pace. By Friday, October 26, it seems clear



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that the blockade will not solve the problem: it prevents the Soviets from importing additional missiles but it cannot stop the rush to ready 42 missiles already on the island. The ExCom turns to the question of the next U. S. step. Most members see no alternative to an air strike. The decision will probably be made on Saturday or Sunday and carried out the following Tuesday

But at the last minute, disaster is avoided. Sunday morning, October 28, Khruschev announces that the Soviet Union will withdraw the missiles from Cuba.

Our Quid, Their Quo

The question is: How did Kennedy make Khruschev capitulate? The essence of the official answer is that he stated his demand clearly, refused to budge even an inch, and thus left Khruschev with the last clear choice between withdrawal on the one hand, and a path that could lead to nuclear war on the other.

The main points in this official interpretation include the following. On Friday, October 26, a secret letter from Khruschev arrived, proposing a resolution of the crisis on the following terms: Soviet missiles would be withdrawn and, in return, the U. S. would promise not to invade Cuba. On Saturday, this Soviet offer was reversed by a second, much tougher letter demanding U. S. withdrawal of American missiles in Turkey as the price for Soviet withdrawal of missiles in Cuba.

To most members of the ExCom, a deal of this sort was simply out of the question. Could the U. S. withdraw NATO missiles from Turkey under Soviet threat? Absolutely not. Dean Acheson, a member of the ExCom, found the idea outrageous. Having just returned from Paris and Bonn, where he had briefed General Charles de Gaulle and Chancellor Conrad Adenauer about the crisis, Acheson assured the ExCom group that such a trade would undermine the faith of the whole alliance in America's word. Soviet specialist Llewelyn Thompson warned that, "the Russians would certainly interpret acceptance as proof of weakness." According to presidential assistant Theodore Sorenson's record of the deliberations, "The President had no intention of destroying the alliance by backing down." As JFK had argued the previous week in rejecting UN Ambassador Adlai Stevenson's suggestion of a similar trade-off, he could not make "concessions that could break up the alliance by confirming European suspicions that we would sacrifice their security to protect our interests in an area of no concern to them." Harold Macmillan (Prime Minister of Britain at the time) has recalled his support for the President's "most difficult decision. . . the refusal, against the advice of weaker brethren in America and elsewhere, to bargain the security of the Western world by yielding to the specious Russian offers of a face-saving accommodation at the expense of America's allies."

A formal White House statement was released, dismissing the Saturday Soviet letter with reference to "inconsistent and conflicting proposals. . . [involving] the security of nations outside the Western Hemisphere." That statement was followed by a message to Khruschev accepting the offer of the first letter (Soviet withdrawal of missiles coupled with a U. S. pledge not to invade Cuba) and threatening an air strike on the missiles if the Soviets tried to welch. This called the Soviet bluff and left them no alternative. Thus Khruschev submitted.

So much for the standard version of the climax of the crisis. New evidence about the final Saturday stands at odds with this interpretation.

The second Russian letter, proposing American missiles in Turkey as the quid for the Soviet quo, arrived at 10:17 on Saturday morning. Most members of the ExCom were startled. According to RFK's record of the

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deliberations, "the change in the language and tenor of the letters from Khruschev indicated confusion within the Soviet Union, but there was confusion among us as well."

Confusion fueled tension, and new sources of confusion further clouded the picture. First, CIA Director John McCone reported that a single Soviet ship had detached itself from the others outside the quarantine line and was headed for Cuba. Maybe the Soviets wanted to test the permeability of the quarantine. Or perhaps they planned to provoke an incident. Second, intelligence reported that work on the missile sites was now proceeding full speed, both day and night. The two letters could be a device for stalling while the missiles became operational. Third, and most distressing, Soviet SAMs had shot down a U-2 reconnaissance plane over Cuba. The Soviet SAM network was operational and the Soviets meant to use it.

The Soviets had fired the first shot, causing the first fatality of the crisis. The ExCom could no longer postpone the issue of military force. The conclusion seemed foregone. Earlier in the week, the ExCom had decided that if a U-2 were shot down, the U. S. would retaliate against a single SAM site. If a second U-2 were attacked, the U. S. would destroy all the SAM sites. The Air Force had prepared an attack plan and was ready to go. RFK reported "almost unanimous agreement that we had to attack early the next morning."

Then, at the point of action, President Kennedy's doubts emerged. "It isn't the first step that concerns me," he said, "but both sides escalating to the fourth and fifth steps—and we don't go to the sixth because there is no one around to do so." Over sharp disagreement, and to the dismay of many members of the group, Kennedy reversed the earlier decision, postponing the choice yet another day. In the Pentagon, especially in the office of the Air Force chief of staff, the order reversing the Air Force reprisal was received with disbelief.

The Soviets had raised the ante. Had Kennedy folded, or simply checked? Around the table, suspicion and tension mounted. And still there was the issue of a response to the two Soviet proposals. As Sorenson recalled "Our little group, seated around the Cabinet table in continuous session. that Saturday, felt nuclear war to be closer on that day than at any time in the nuclear age. If the Soviet ship continued coming, if the SAMs continued firing, if the missile crews continued working, and if Khruschev continued insisting on concessions with a gun at our head, then—we all believed—the Soviets must want a war and war would be unavoidable."

'He Was Angry'

Discussion returned to the question of a U. S. reply. Robert Kennedy recorded his judgement that the second Soviet proposal—missiles in Cuba for missiles in Turkey—"was not unreasonable and did not amount to a loss to the U. S. or to our NATO allies." Indeed, because the Jupiter missiles in Turkey had been judged obsolete, the President had twice ordered their removal. In the spring of 1962, at presidential insistence, Rusk had raised the issue with the Turkish foreign minister, heard loud objections, and allowed the matter to drop. For the secretary of state, removal of obsolete missiles from Turkey did not justify a row with the Turkish government. The President had raised the matter a second time with the State Department and made it plain that he wanted the missiles removed, even at some political cost. But again, State Department representatives found the Turks intransigent and decided against allowing the issue to become a source of discontent in relations with Turkey and the NATO alliance. Now Kennedy was forced to confront the Turkish missiles once more, and this time they were hostages of the Soviet Union. As RFK recalled, "He was angry."

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Still the quandary persisted: How could the United States respond? The Joint Chiefs of Staff joined the meeting to propose a solution: an air strike on Monday, followed shortly by an invasion. Robert Kennedy noted their argument: They had always felt the blockade "to be far too weak a course and that military steps were the only ones the Soviet Union would understand. They were not at all surprised that nothing had been achieved by limited force, for this is exactly what they had predicted." The President restrained himself.

At some point in the deliberations, the President paused over the first-round implications of the option that was coming to seem more and more likely: an air strike or invasion of Cuba. What would happen, he asked, in Berlin or Turkey? "If we attacked Cuba, and the Russians reciprocated with an attack on Turkey, would or should the Turkish missiles be fired?" At this point, he ordered that the missiles in Turkey be defuzed. For some members of the group, this was the blackest moment of the crisis.

By early afternoon a U. S. note had been drafted rejecting the Turkish trade and demanding a halt to work on the missiles in Cuba. Robert Kennedy disagreed sharply with both the content and the tenor of the draft. In desperation, he conceived an extraordinary diplomatic move, one later labeled a "Trollope Ploy," after a recurring scene in the writings of Victorian novelist Anthony Trollope in which a marriage-hungry maiden takes a squeeze on her hand as an opportunity to accept a proposal of marriage. The United States should ignore the second letter, respond to the terms of the first letter, and propose the following: an American pledge not to invade Cuba in return for the Soviet withdrawal of missiles in Cuba. The essential points of this public letter read as follows:

> The first thing that needs to be done. . . is for work to cease on offensive missile bases in Cuba and for all weapons systems in Cuba capable of offensive use to be rendered inoperable, under effective United Nations arrangements. . . .
>
> As I read your letter, the key elements of your proposals—which seem generally acceptable as I understand them—are as follows:
>
> 1. You would agree to remove these weapons systems from Cuba under appropriate United Nations observation and supervision; and undertake, with suitable safeguards, to halt the further introduction of such weapons systems into Cuba.
>
> 2. We, on our part, would agree—upon the establishment of adequate arrangements through the United Nations to ensure the carrying out and continuation of these commitments—(a) to remove promptly the quarantine measures now in effect and (b) to give assurances against an invasion of Cuba.

To make sure Khruschev could not misunderstand the message, the President privately instructed Robert Kennedy to deliver a copy of the letter to Soviet Ambassador Dobrynin with a strong warning. According to Sorenson's account, Robert Kennedy informed Dobrynin that: "The point of escalation was at hand; the United States could proceed toward peace and disarmament, or we could take 'strong and overwhelming retaliatory action. . . unless [the President] received immediate notice that the missiles would be withdrawn.' " The President thus posed for Khruschev a choice between 1) withdrawing the missiles himself, and 2) seeing his missiles destroyed by a U. S. attack. The time available for him to make up his mind and get his government together was very short.

Making of a Deal

Given the President's unique perspective and his particular problem (removal of the Russian missiles from Cuba without war), this ultimatum seems puzzling, especially in the light of his earlier preference for postponing forceful action. He had already taken action that would raise hackles among NATO allies, since many Europeans would interpret the defuzing of the Turkish missiles as the first step in a deal, whatever the United States said. He had demonstrated consider-

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able attentiveness to Khruschev's problem, and now Khruschev seemed to be asking for a path by which to retreat without humiliation within his own government.

In presidential terms, the case for a *private* carrot to balance the public stick seems compelling. The President should not be *seen* accepting Saturday's deal. Indeed, arrangements would have to be made without the knowledge of most members of his own ExCom, let alone the rest of the government or the wider public. So, (one might be led to speculate), RFK went to Dobrynin with more than a threat.

Had RFK not written his memoirs, and indeed, quite probably, had his editing of a first draft not been cut short by assassination, this speculation would remain in the realm of the fanciful. A careful reading of *Thirteen Days*, however, discloses important, confirming evidence. Robert Kennedy recounted his visit with Dobrynin in considerable detail, including the discussion of missiles in Turkey.

Did the private exchange amount to a "deal"? What was above as well as below the line could not have been plainer. At the initial level, there could be no "deal"—the missiles in Cuba must be removed with no strings attached. But at a second level, let there be no misunderstanding. The President had intended that the Turkish missiles be removed more than a year ago. Nothing had changed. And Khruschev could be assured that they would be removed within a short time after the crisis. In RFK's words,

> I said that there could be no quid pro quo or any arrangement made under this kind of threat or pressure, and that in the last analysis this was a decision that would have to be made by NATO. However, I said, President Kennedy had been anxious to remove those missiles from Turkey and Italy for a long period of time. He had ordered their removal some time ago, and it was our judgment that, within a short time after the crisis was over, those missiles would be gone.

This new interpretation of the resolution of the missile crisis raises more questions than it settles. First, there is the contrast between the story told by Kennedy sources in the aftermath of the crisis and RFK's recollections in 1968 when writing his memoirs. This shift follows changes in the conventional wisdom rather closely. Second, if this new information is correct, why did the Kennedy Administration go to such extremes in puffing the hard-line account after the crisis, for example, in the bitter attack on Stevenson for being soft?

If RFK's testimony stood alone, these questions would have more bite than they do. But the grounds for the new interpretation include not only RFK's account, but also a great deal of circumstantial evidence (the logic of JFK's problem and the fact that U. S. missiles in Turkey were withdrawn shortly after the crisis) as well as the testimony of various other participants. A fuller account of this evidence is presented in the author's *Essence of Decision: Explaining the Cuban Missile Crisis*.

Given the accuracy of this new information, what does it imply for arguments about JFK's role in the crisis? At a minimum, the machismo story must be radically revised. Others, for example, Dean Acheson, insisted throughout the crisis on tough decisions and tough actions; no hesitation at the outset; another turn of the thumbscrew when Khruschev first blinked; no deals. But JFK hesitated and faltered and dealt. He overturned the previous decision to respond to the Soviets' first shot. He accepted the loss of an American U-2 and the life of its pilot and just deliberated. He ordered NATO missiles in Turkey defuzed. He arranged a deal—a private deal that sacrificed chips that he and his advisors judged dear to U. S. national security and the security of our allies.

Elements of JFK's "softness" when confronting the prospect of nuclear war emerge. Could we survive a nuclear crisis managed by a President captivated by a machismo image of JFK in the missile crisis? ■

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TIDBITS and... OUTRAGES

Clearing the Record

After a fire that killed nine men at Consolidation Coal's Blacksville No. 1 mine in West Virginia, the company hurried to correct erroneous reports that federal inspectors had cited the mine for 485 safety violations. Actually, said Consol president John Corcoran, there had only been 397 violations.

Meanwhile, the Bureau of Mines was explaining how it punishes these momentary lapses. Since the Coal Mine Health and Safety Act went into effect, the Bureau has assessed fines totaling $12.5 million—but has collected only $.4 million and has completely forgiven at least $2.7 million.

An Idle Watchdog

While congressmen complain that their meager committee staffs and three computers are no match for the White House and Executive departments with their 1400 computers, most of them ignore the investigative service that is theirs for the asking.

The General Accounting Office will run audits and send out investigators at a congressman's request. But data from the GAO collected by Ralph Nader's Congress Project, shows that over nearly a three-year period from 1969 to 1972, the GAO was asked to help Congress only 362 times—an average of 1.6 requests per Senator and .46 per Representative.

William Proxmire used the GAO the most (37 times), to figure out the Pentagon, and H. R. Gross led the House with 11 studies—on federal waste and general government suckerdom. Other congressmen put the GAO to more limited uses, like finding out about how to consolidate laundry service in two Veterans' Administration hospitals (Rep. Thomas McIntyre's one investigation), studying alterations to the U.S.S. *Puget Sound* (Rep. Charles Bennett), and probing fuse contracts (Rep. Ella Grasso).

Energy Crisis

Investor-owned utility companies, whose rates are set by the government but whose profits go to private owners, have proven once again that capitalism and regulation can get along fine.

State utility commissions usually aim at giving the utilities a six per cent return on their invested capital. In practice, prospects have been even better for the utilities. In 1970, the average return for 184 utilities grossing more than $1 million was 11.33 per cent. Twenty-six of the companies had return rates above 15 per cent.

AMERICA COMES HOME

From Sports Illustrated's Football Preview:

Strange things are happening in Colorado. An eerie quiet, an odd lassitude prevails at "Berkeley East." The metabolic rate is low, perhaps because—students say—of a shared belief that government, environment, even their personal futures are out of control: perhaps because priorities have changed. The new student-body president is an ex-marine elected on his promise to veto use of compulsory fees to subsidize anti-war activities. When he did just that, and radicals forced a recall election, he replied briefly, "Nuts to you all." He won again by 800 votes. There seems to be a Greek revival. And, most unprecedented, football—which has always lost out to the mountains as recreation—has become a mania. "People are looking for something to lift them up," says John Keyworth, CU's intellectual tight end. "Colleges have been turning out grim pessimists. Now people want to be happier, to enjoy society more."

From a Rolls Royce ad in the September 9, 1972 New Yorker:

"It's a working day, with very important people for your Silver Shadow Long-Wheelbase Sedan to indulge. Impress. Perhaps, even intimidate. Now the Rolls Royce, ready. Ready to put prestige to work. To do the job it does best, the job thirty generations have readied it for. Elegant, imposing, the essence of fine breeding, ready for the sure hand of the chauffeur, and the august presence of Client. Customer. Statesman. Royalty."

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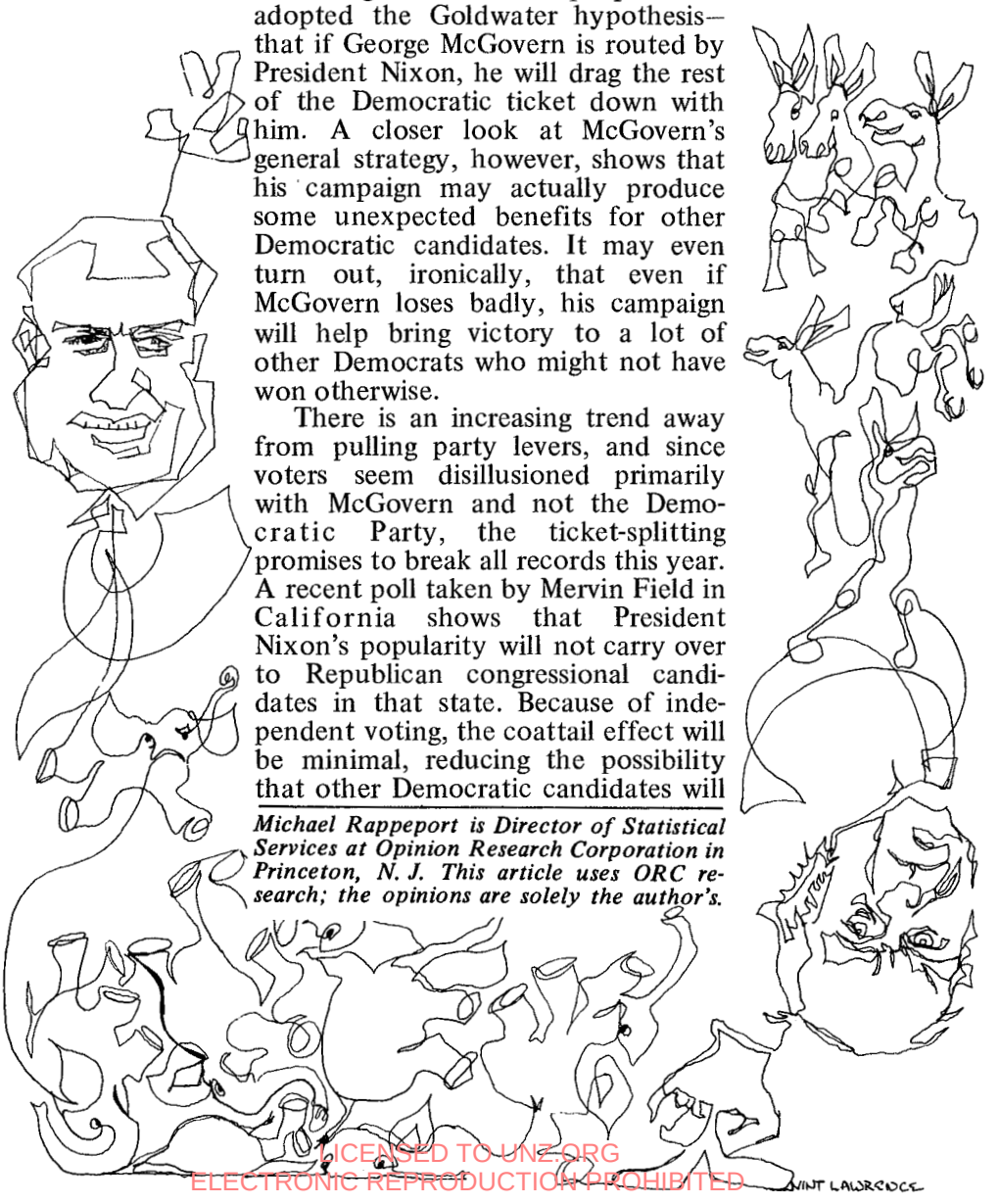
Up the Down Coattails: McGovern and the Congressional Candidates

by Michael Rappeport

Since the Democratic convention, increasing numbers of people have adopted the Goldwater hypothesis—that if George McGovern is routed by President Nixon, he will drag the rest of the Democratic ticket down with him. A closer look at McGovern's general strategy, however, shows that his campaign may actually produce some unexpected benefits for other Democratic candidates. It may even turn out, ironically, that even if McGovern loses badly, his campaign will help bring victory to a lot of other Democrats who might not have won otherwise.

There is an increasing trend away from pulling party levers, and since voters seem disillusioned primarily with McGovern and not the Democratic Party, the ticket-splitting promises to break all records this year. A recent poll taken by Mervin Field in California shows that President Nixon's popularity will not carry over to Republican congressional candidates in that state. Because of independent voting, the coattail effect will be minimal, reducing the possibility that other Democratic candidates will

Michael Rappeport is Director of Statistical Services at Opinion Research Corporation in Princeton, N. J. This article uses ORC research; the opinions are solely the author's.



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suffer because they are linked to McGovern.

At the same time, there are some things the McGovern people are doing very well—especially registration and getting out the vote—which will directly affect other Democratic candidates. Unless McGovern is able to change his image, these factors can only hold down his margin of defeat. However, for a wide variety of House and Senate candidates, they may prove the margin of victory.

Some examples: Texas has a potential electorate that is 45 per cent black, Chicano, and/or under 25. Registration of these groups is the key to the McGovern strategy. (Only 50 per cent of the potential Texas electorate voted in 1968.) However, the actual result may be the victory of Barefoot Sanders, the Democrat, over John Tower for the Senate seat. If McGovern gets at least 40 per cent of the popular vote, Sanders should win in Texas.

In Rhode Island, about one potential voter in five will be under 25. The very fact that McGovern is in trouble is causing a much stronger push for registering young people. The result will almost certainly be crucial for incumbent Senator Claiborne Pell. His Senate race, which many people conceded to Republican John Chafee last winter, is now a toss-up, and I expect Pell to hold the seat.

Similar situations exist in Maine, Alaska, South Dakota, and Kentucky—all relatively small states where voter registration could substantially change the make-up of the electorate.

Overall, the Democrats may actually gain ground in the Senate—even in the teeth of a fairly strong Nixon victory. If the presidential race gets close, such a gain seems assured. The only serious setback the Democrats face is a possible Republican sweep of the three Senate seats up for grabs in North Carolina, Georgia, and Alabama. Even in these states, the McGovern registration drives, particularly among blacks and students from larger campuses, could prove decisive.

In the House races, the registration efforts should also nullify the usual loss in seats to the party of the presidential winner. Out of approximately 70 seats that are in doubt—half Democratic and half Republican—the McGovern efforts are bound to play a key part in at least two dozen races. These are the districts where there are huge masses of college students. In virtually every state, students are now eligible to vote where the university is located, and they can generally be registered after the school term starts.

Some specifics: Marvin Esch is a Republican running for Congress from a Michigan district that includes Ann Arbor (University of Michigan) and Ypsilanti (Eastern Michigan University). Esch is the incumbent, but he faces a strong Democratic challenger. A Republican victory there would have to be called an upset. In a similar situation in Indiana, Lawrence Hogan is a Republican whose district includes both Indiana University and Indiana State University. Bill Ray is a Democrat whose chances in a very difficult fight for reelection are improved because Kansas State University is in his district. Larry Winn, whose district voted less than 53 percent Republican in 1970, now has to contend with Kansas University. The list could go on.

Discussions of the effect of the college voters have centered around what will happen at the presidential or the local town levels, but the college vote should have its greatest impact on the House. I believe that in combination with a large amount of split-ticketing, the result will be a surprisingly strong Democratic showing in the congressional contests. In the event of a Nixon victory with 55 per cent or less of the vote, the election should bring an actual increase in Democratic seats. Since most individual Democratic gains will involve liberal Northerners, even a net loss in Democratic seats should result in a continued drift towards liberalism in the House. ■

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THE CULTURE OF BUREAUCRACY:

Dumping $2.6 Million on Bakersfield

by Michael Aron

Like the coming of the railroad, the arrival of big federal money in a small, out-of-the-way California town causes a certain amount of uproar, especially when it is dumped in a bundle by an agency that has to get rid of it quick. In this case, the money comes from the Department of Health, Education, and Welfare, for one of its 131 migrant health programs, and the town that has to fight over the grant is Bakersfield.

But it could just as well have been one of the other 130 migrant health programs, or any federal effort where the bureaucrat is mandated both to spend money fast and also to insure that local people control their own destinies. Controlling your own destiny, in these days of decentralization and revenue sharing, really means that the locals can help decide how to divvy up federal money among themselves. Bakersfield is a consequence of the whole idea of community participation in federal projects, but in this instance, the town only began participating after the money was pumped in—for very obvious reasons and with some very disruptive results.

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Our story begins in Washington, D. C. in March, 1970, with the passage by Congress of the Migrant Health Act. Senator Walter Mondale's Migratory Labor subcommittee drafted the legislation, authorizing an $11-million appropriation for migrant programs in fiscal 1970, and it was Mondale, personally, who pressed for insertion of an amendment providing that "persons broadly representative of all elements of the population to be served [be] given an opportunity to participate in the implementation of such programs."

Since this was the time the Nixon Administration was striving to decentralize the "vast" federal bureaucracy, it fell to the regional offices of HEW to implement the legislation. Region IX, headquartered in San Francisco,

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and responsible for seven Western states (it has since lost Oregon and Washington), proposed four areas with heavy migrant "home-base" populations as possible locations for health projects. Three were in rural California counties, the fourth in the state of Washington. One was Bakersfield, Kern County, California.

HEW's plan was to find a chicano community group in each area to become its delegate agency for day-to-day administration of a project, in the same way that local anti-poverty groups became delegate agencies of the Office of Economic Opportunity. But there was a time problem: the legislation had been passed relatively late in the fiscal year, giving HEW only a few months in which to spend the money or else forfeit it back to Treasury. Compounding the problem was the fact that Bakersfield seemed to have no chicano community groups—20,000 chicanos, but no groups.

With the end of the fiscal year only six weeks away, anxious rural health officials turned their attention to a black group, the Kern County Liberation Movement (KCLM). Born six months earlier in the waning hours of a poor people's workshop and designated a consumers' auxiliary of the local anti-poverty agency, KCLM was little more than a collection of low-income citizens. As its first official act, KCLM had applied to HEW for a $70,000 planning grant to assay the health needs of Bakersfield's black ghetto; that application was still in the pipeline when regional HEW asked KCLM if it would accept $2.6 million to immediately establish a health center.

KCLM responded enthusiastically: certainly they would accept a grant—who wouldn't? In late May, 1970, an official from the Rural Health Office of the Community Health Service of the Health Services and Mental Health Administration (HSMHA) of the Public Health Service of the regional office of HEW flew to Bakersfield to help KCLM prepare a formal application. All this was done very quietly, without fanfare. Final contracts were signed in June, three weeks before the end of the fiscal year.

It wasn't until July that Kern County's health establishment got wind of the news—and when they did, all hell broke loose. The entire roster of local health agencies—the county medical society, the dental society, Kern General Hospital, the county health department, the board of supervisors, the state health department, the California Medical Association; and the congressionally mandated regional planning bodies, Comprehensive Health Planning and Regional Medical Programs—vented their spleen because none had been consulted prior to the awarding of the grant. The medical society had a special reason for bitterness: it had been operating its own federally-funded migrant clinic for years in two old trailers outside of town, and HEW was cutting the budget on that program at the same time it was handing $2.6 million to a bunch of poor people with no experience whatsoever in the administration or delivery of health care.

Creative Fumbling

For five days the flap over the award commanded headlines in the *Bakersfield Californian* (in sky-blue ink, no less); the paper also editorialized against the grant ("More Fumbling and Bumbling") and even ran a two-part feature on the medical society's "wonderful clinic." Bakersfield's two Republican state assemblymen called press conferences to denounce the award. Congressman Robert Mathias sent an angry telegram to HEW Secretary Elliot Richardson questioning how the department could possibly sanction such behavior on the part of its regional office. "Is this what the Administration means by 'creative federalism'?" Mathias asked. For the next three weeks, the Bakersfield health establishment would virtually convulse in an effort

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to get the grant canceled.

On July 14, Dr. James Cavanaugh, deputy assistant secretary for health, announced a "full review" of the conditions surrounding the awarding of the grant, intimating that the contract would be canceled "if irregularities are detected."

On July 15, Cavanaugh flew from Washington to the regional office in San Francisco. In what is reported to have been a rather stormy session, Cavanaugh and regional officials rewrote the guidelines on community health grants so as to insure consultation with all appropriate state and local agencies. In Washington, meanwhile, Mathias' staff had done some checking and discovered that the Kern County Liberation Movement was not registered with OEO as an official delegate arm of the local anti-poverty agency. Mathias called Cavanaugh to ask if this were sufficiently "irregular" to warrant cancellation of the contract. When Cavanaugh said he didn't think so, Mathias asked if the contract could possibly be renegotiated under the new guidelines just promulgated. Cavanaugh said he doubted it. A Mathias press release the next day called HEW's action "inexcusable" and fixed the blame on "middle-level bureaucrats [who] ignored the letter of the law" (a reference to their failure to consult the congressionally mandated regional planning bodies).

While Mathias was busy reverse pork-barreling in Washington, physicians and politicians in Bakersfield were writing letters to anyone they could think of who might be able to reverse the decision. Let me quote from some of these letters:

Kern General Hospital Administrator Dr. Owen Hatley, to Dr. Vernon Wilson, an HEW official in Rockville, Maryland:

> When an independent, unbiased consulting firm, experienced in developing health delivery systems, presents a program for Kern County, then and only then will I support any sponsoring agency in any of these endeavors. Reputable, experienced consulting firms are available, in contrast to false-front organizations [KCLM] created to obtain desired answers to fuzzy-minded hypotheses conjured up by some social planners.

Congressman Barry Goldwater, Jr. (representing a neighboring district) to Secretary Richardson:

> . . . this group [KCLM] has absolutely no experience that would even remotely qualify them for a grant of this magnitude. . . . I request that you immediately investigate this matter and withdraw the grant.

State Assemblyman William Ketchum to HEW Undersecretary John Veneman, his former colleague in the California legislature:

> I object to the "cart before the horse" manner in which this has been handled and request that you immediately stop funding . . . . [HEW's] "better to spend now than undertake planning" philosophy is a classic symptom of the whole OEO syndrome.

On July 27, KCLM held a press conference to refute the "numerous unfounded charges leveled against us in recent days." Considering the group's relative inexperience, it was an artful performance. One moment they were militant: "The low income community of Kern County wants to see a migrant health center that will meet their needs and they want to see it not after a two- or three-year planning study. Frankly we are *tired* of being studied. We want direct medical services now." The next moment, conciliatory: "Naturally we welcome the cooperation and support of any agencies interested in meeting the common goal of comprehensive health care for the entire community."

In San Francisco, meanwhile, regional HEW was kept busy trying to explain its actions to HEW officials in Washington. An assistant regional director recalls: "Washington was not terribly happy with us, and that's the understatement of the year. Of course, we knew what we were doing all along. We were going to get funding into that area no matter who it upset, and not by the traditional route of currying favor with conservative county medical societies. To get things done, you go do them and fight

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the political battles after—especially in this Administration. We like to think of ourselves as 'bureaucratic guerrillas' fighting for what we believe in."

By July 29, it was compromise time. Cavanaugh and Mathias flew to Bakersfield together to announce that HEW was suspending project funds for 90 days pending a "restructuring" of the KCLM board of directors. The suspension, Cavanaugh told a press conference, would be lifted only when the board, then made up entirely of "consumers," added professional health-care "providers" to its membership. Cavanaugh's, too, was an artful performance (which may help explain why he is now on the White House staff). He seemed genuinely pained by "this unfortunate misunderstanding." He urged the Bakersfield health establishment to play an "activist" role on the consumer-provider board, and assured his good friends that "this sort of thing will not happen again." Privately, he told Mathias that HEW would consider canceling the grant if KCLM should fail in any way to execute its provisions. And when the man from HEW left town that night, KCLM was still the beneficiary of the potential $2.6 million.

Although project funds were technically suspended, regional HEW began sending "emergency" funds to KCLM to keep it on its feet. The grant had called for expenditures of $391,000 in the first year—$248,000 for staff salaries and the rest for clinic facilities and supplies. (And when they tell you they're putting X million dollars into programs for poor people, remember: professionals, clericals, and private businesses get the money; the poor get services.) Before any of this money could be spent, however, it would be necessary to hire a project director, preferably one who could court the favor of the health establishment and orchestrate a restructuring of the board.

Regional HEW proposed that a young dental school graduate from San Francisco become interim project director until a permanent director could be found. KCLM agreed, and Robert Isman, D.D.S., assumed his duties in August.

Through the fall months Isman worked hard to win the cooperation of local health agencies, but two things were working against him: his longish hair and what they call in Bakersfield "ultraliberal leanings." City officials, whose own budgets only added up to something like $12 million, simply could not understand why HEW would select such a character to supervise a $2.6-million project. He had no experience, either dental or administrative. He showed up for meetings with bankers and lawyers wearing cut-off jeans and thongs. To this day, people talk about Isman as if his eight months in Bakersfield had been profitably spent dealing hashish on the side.

It took much persuasion and several trips to Bakersfield by regional HEW officials, but in November the KCLM board was restructured to include 10 professional health providers representing various agencies in the county, including the medical society, which put its migrant clinic director on the board but instructed him not to vote. (The argument is sometimes advanced that the medical society joined only to sabotage the project, because free health care for the poor takes money out of the pockets of local physicians and the county hospital; but there's too much conspiracy theory there, or at least not enough money involved to make it credible.)

That the consumers still outnumbered the providers 25 to 10 irked some people, however. Mathias' local aide called the restructuring "a token effort to appease the community." Assemblyman Stacey branded it "a sham and a fraud" and joined the ranks of the countless politicians who at one time or another have accused HEW of "strong-arm tactics."

With the board restructured, everyone expected funding to resume, but HEW suddenly attached new conditions to the lifting of the suspension. KCLM either had to demonstrate

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broad-based community support, or hire a permanent project director.

In the meantime, forces were still at work trying to get the grant canceled. In December, the medical society applied to HEW for $325,645, ostensibly to expand its existing clinic program, in effect proposing itself as an alternative to KCLM. In Washington, Mathias continued to warn HEW that the project was "doomed to failure" unless local agencies were brought into the fold and given more say in board policy. Quietly, Mathias also asked the Government Accounting Office for a full investigation of the activities of the local anti-poverty umbrella agency, the Kern County Economic Opportunities Corporation.

Three months went by with no progress made toward filling the project director's job and mounting hostility towards Isman from the establishment. Then in April, 1971, HEW decided to step in and temporarily take over the project itself. Vincent Garza, a Mexican-American public health officer stationed at headquarters, was dispatched to replace Isman as interim project director for 90 days. To complement this action, regional HEW abruptly canceled the dental component of the project, thus insuring Isman's complete removal from the scene. Both sides in Bakersfield welcomed the two moves—the health establishment because Garza was a professional like themselves; KCLM because it meant immediate resumption of funding.

From this point on, the struggle ceases to be one pitting organized medicine and its friends against poor people. As you will see, it evolves into a struggle pitting poor people of one race against poor people of another. There are no Machiavellian plots here, no designs by the establishment to divide and conquer. That's just the way it happens.

Dude Ranch Junket

Most of the farm workers of Kern County are Mexican-Americans; maybe 20 per cent are Mexican nationals who came north to follow the soft-fruit season (legally or illegally) and managed to linger longer.

For years, these people have lived in shacks and camps or slept unsheltered on the banks of irrigation canals. Their general health is not good. They get skin diseases from working in fields sprayed with pesticides; they suffer high incidences of venereal disease, eye defects, heart trouble, and nervous disorders; obesity, hypertension, and diabetes are so prevalent that local health authorities believe these conditions to be hereditary in Mexicans; 90 per cent of the children have serious dental problems. "They're learning that an unhealthy body produces nothing," one official said, adding as an afterthought, "They've certainly learned it the hard way." It used to be that when someone got sick, he worked it off or waited it out—unless he got real sick, in which case his family piled him into a car and drove the 20 miles to Kern General Hospital where they would wait for hours in the emergency room hoping that the next intake nurse spoke Spanish. Of course, there was also the medical society's migrant clinic in trailers in Lamont, but it operated only during "the season" (May to September; the actual season is eight to 10 months), and then only three nights a week from 6 p. m. to 10 p. m. At regional HEW the clinic is still referred to as a "band-aid station"

The first thing on Garza's agenda when he arrived in Bakersfield was to find a suitable location for a health center. For several days he, an architect, and Mathias' local aide drove around the Lamont-Arvin-Weedpatch area looking for a site—and immediately a conflict arose. KCLM thought they ought to be looking in the Lakeview district, where blacks live. Garza explained that these were *migrant* funds and that it had been HEW's intention all along to put a health center someplace where the campesinos would have easy access to

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it. But this had not been KCLM's understanding at all; they had been led to believe, they said, that the center would be located in a black neighborhood and that campesinos from all over the county would be encouraged to use it and think of it as their own.

KCLM felt suddenly betrayed. After fighting off the encroachments of the health establishment for almost a year, they now learned that HEW wanted to put the health center in a part of the county where less than one per cent of the population is black. A bitter pill; several KCLM board members chose to resign rather than swallow it.

To sweeten it, perhaps, Garza organized a weekend outing for KCLM board members at a ranch-retreat 80 miles north of Bakersfield and invited the HEW regional director to come along and to bring some of his staff. A good time was presumably had by all, and the regional director soothed ruffled feathers by promising that no matter what happened in the future, KCLM's efforts would not go unrewarded; but folks in Bakersfield took a different view of the outing. Garza returned to Bakersfield on a Monday morning to find himself being blasted on the front page of the *Californian* for his "$2,500 dude ranch junket" financed by "the taxpayers." (The story was written by the son of the county health superintendent, which says something about small cities.) Three weeks later, Garza left Bakersfield and the Public Health Service and went to Yale on a fellowship.

Garza was replaced in July, 1971, by Charles Pineda, a Mexican-American native of Kern County, the son of a fruit picker and holder of a master's degree in social work. Pineda continued the search for a clinic site and also began to think about recruiting a medical staff.

Hmm. . . Federal Funding

In September, 15 months after the awarding of the grant, a makeshift clinic was finally opened in Lamont. Pineda had found a young doctor from Los Angeles to become clinic physician ($25,000), had lured an aging South American from a hospital in the Bronx to become medical director ($27,500), and the three of them had talked the medical society into renting its trailers to KCLM until a permanent location could be found ($1,600, which has never been paid). As soon as the medical society clinic shut down for the "winter," KCLM occupied the trailers and began treating its first farm-worker patients. Pineda, meanwhile, found an old grocery store in Weedpatch, leased it, and gradually moved the project into it over the next three months.

The clinic in Weedpatch is a shock when you first see it. Somehow the term "migrant health center" leads you to expect a depressing storefront, partitioned in half, and dimly lit, with maybe a purple curtain separating the waiting room from the examining room, and a wizened old doctor inside waiting to grab you in his palsied, age-blotched hands. You walk into the clinic in Weedpatch, however, and your first thought is "hmmm. . . federal funding." The clinic is partitioned all right, but partitioned into a large reception room, two intake offices, five examining rooms, a treatment room, a laboratory, a records library, staff offices, and a lounge. The staff numbers about 25. The equipment is brand new, ultramodern, and *clean*. When you open your mouth to say "aaahh. . . " in this clinic, you're opening it to an electronic implement coming out of a wall console.

To the campesinos and their families, the clinic is a godsend. It heals them, soothes them, educates them, trains them, employs a few of them—all free of charge, for the time being. HEW wants the clinic to become self-sufficient, so patient billings will begin in the near future; but treatment will still be "free" (sort of) for the 90 per cent who belong to the union's "Robert F. Kennedy Farm

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Workers' Medical Plan" (for which a small premium is deducted from their paychecks). At last count, the clinic had given treatment to 6,000 patients from 1,200 families, and thanks to the imperatives of bureaucracy, each one now has a detailed record of his medical history, probably for the first time in his life. Ask the campesinos whom they thank for all this, and you get a surprising—no, not surprising—answer. Senator Kennedy, of course. The young one.

Chicanos in the Wings

But don't get the idea that just because the clinic opened, the infighting ceased. On the contrary, now there was something tangible to fight over.

An interesting bit of correspondence circulated around Bakersfield at this time, copies of an exchange between HEW Secretary Richardson and Senators Walter Mondale and Adlai Stevenson III, past and present chairmen of the Migratory Labor subcommittee. Richardson's letter to the subcommittee requested "clarification of congressional intent" regarding the consumer-participation amendment to the Migrant Health Act. Mondale wrote back: "I was shocked to learn that there is still substantial doubt as to your Department's implementation of an amendment which became effective in March of 1970." Stevenson wrote: "I am extremely concerned that Migratory Health Program relations and guidelines provide the basis for 'meaningful' farm-worker participation, rather than a degree of 'tokenism.' This, of course, requires a policy-making function for the farm-worker participants rather than merely an advisory role."

It was regional HEW that flooded Bakersfield with copies of the exchange. And for a reason. KCLM was still the delegate agency administering the project, but it no longer could be said to represent the true "consumers." Now that the clinic had opened in Weedpatch, the consumers were campesinos. It was *they* who should be doing the community-participating.

This was fine with project director Pineda, a chicano whose father was still out in the fields; it was fine, as well, with the clinic staff, half of whom were Mexican, and others who had to have been sympathetic to the plight of farm workers in the first place in order to have accepted a job in a town as Godforsaken as Weedpatch. KCLM, on the other hand, was naturally upset: first, they had "lost" the clinic itself; now they were faced with possible loss of control over it and forfeiture of their status as a bona fide government delegate agency.

Acting on their own authority, but with behind-the-scenes encouragement from regional HEW, Pineda and several clinic staff members appointed five reasonably intelligent, but non-English-speaking, campesinos to a "campesino board," a kind of shadow cabinet that would wait in the wings ready to take over at the earliest signal from HEW. That they were non-English-speaking meant that they had to rely on people like Pineda to tell them what was going on. This was in October.

On December 14, KCLM voted to fire Pineda. The official reasons are not worth going into—basically they questioned Pineda's competence. The actual reason was that Pineda had been attempting to serve two masters at once, KCLM and the campesinos, and his allegiance to the former seemed to be flagging. Informed of the dismissal, regional HEW immediately ordered him reinstated, saying that KCLM no longer had legal authority to make such a decision (because it no longer represented "consumers").

At its next regular meeting, on December 22, KCLM voted to change its name to the Kern County Health Committee (KCHC). This is not insignificant. It represents a conscious grab at respectability and tacitly acknowledges its new position in the battle configuration. How can you call your-

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self a liberation movement when you're fighting to preserve a vested interest?

Culturally Unfit

Two things of consequence happened in January. First, elections for a new campesino board were held in Lamont-Arvin-Weedpatch; four of the five men who had been appointed by Pineda in October won election to the board. (The fifth would have won, too, had he chosen to run.) The board then incorporated itself as Clinica De Los Campesinos, Inc. (CDLC). Second, the clinic's South American medical director failed his state medical board examination, meaning he was without a license to practice in California.

In February, the roof caves in.

On February 14, 24 hours before KCHC was supposed to transfer authority to CDLC, the KCHC board notifies Pineda of his dismissal in a memo listing eight specific grievances, one claiming he hired the South American medical director without consulting the board and another charging him with "loading" the clinic staff with Mexican-Americans.

On February 15: KCHC, citing election "irregularities," rejects the legitimacy of the CDLC board and refuses to transfer control of the project.

On February 16: 200 chicano demonstrators mass in front of the clinic, Pineda and two clinic staff members among them, carrying picket signs and threatening to "shut it down" (in Spanish). The black chairman of KCHC wades into the angry mob and fires the two staff members on the spot. Half of the demonstrators move down the highway to the KCHC administrative office in Lamont. The demonstrations last until midnight without serious incident.

February 17: The clinic has been splattered with paint during the night. There are bullet holes in the plate glass window. KCHC's black chairman appoints himself "acting project director." Regional HEW officials fly down from San Francisco in the hope of restoring order; they put the KCHC chairman on notice that his assumption of the project directorship constitutes a flagrant conflict of interest. Two-thirds of the clinic staff send individual letters to HEW declaring their allegiance to CDLC.

February 18: A provider member of the KCHC board calls the executive secretary of the medical society at midnight and, on behalf of KCHC, pleads for help. The executive secretary calls his 30-year-old assistant, Riley McWilliams, at 2:30 a.m. and orders him to report to KCHC the next day to become interim project director.

February 23: Telegram to KCHC from regional HEW states: actions of KCHC in direct contradiction to agreements; therefore, project funds would be suspended indefinitely and funding to KCHC would terminate on April 15, 1972.

February 24: Local aide sends confidential memo to Mathias in Washington warning of black-brown racial conflict that could engulf the county; says black community promises reprisals if any harm comes to KCHC chairman; surmises that United Farm Workers are involved in demonstrations.

February 26: CDLC writes to Secretary Richardson—letter begins, "Honorable Sire"; informs that Riley McWilliams made project director without HEW approval; ends with veiled threat to close clinic down as "last resort."

February 28: Medical society applies to HEW for $155,891 grant to expand its own clinic; application states, "basic to this proposal is removal of the existing clinic."

February 29: KCHC chairman reports alleged threats to his person.

March 10: CDLC submits application to HEW to take over administration of project; application actually written by four clinic staff members.

March 17: Twelve clinic staff draft joint letter to HEW threatening to

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resign if CDLC not made delegate agency; claim Riley McWilliams culturally unfit to be project director.

Bent in the Fields

April 15, the date HEW said it would terminate the project funding to KCHC, came and went, with no word from San Francisco. Three weeks later, the regional director sent letters to KCHC and CDLC proposing a joint luncheon meeting on May 10 at the posh (for Bakersfield) Casa Royale motel. He also sent a letter to the medical society announcing an award of $67,000 to continue their clinic-on-wheels, providing they move it to Buttonwillow, in the southwest part of the county. (Buttonwillow's one physician raised a stink, but that is another story.)

The regional director, the black project officer, and the chicano Public Health Service officer from Los Angeles arrived in Bakersfield the morning of the 10th. At noon they joined the KCHC board for lunch. The CDLC board had been invited to come at 1 p.m., but the hour passed 2 p.m. and the five campesinos had yet to show. Someone suggested that they might have gotten lost, since surely they had never been to the Casa Royale before. Someone else was delegated to go look for them. He found them in their customary positions for that hour, bent over in the fields in 95-degree heat. They said they had not been notified of the meeting. There was reason to think that one of their advisors on the clinic staff had intercepted the letter for reasons she believed to be in their best interests. The meeting proceeded without them. A radical Lutheran minister acted as their unofficial spokesman.

When it was over, an elaborate compromise had been drawn up: 1) the CDLC board would be absorbed into the KCHC board; 2) four providers mutually agreed upon by KCHC and CDLC would join the five campesinos, together to constitute a separate board-within-a-board; 3) the mini-board would serve in a "policy-recommending" capacity and receive the benefit of "whatever training and experience is available"; 4) on or before January 1, 1973, KCHC would transfer administrative control of the project to CDLC, retaining for itself only the role of fiscal intermediary. A fifth provision went unstated, but was well understood nonetheless: in return for its great efforts and considerable sacrifice, KCHC would become HEW's "umbrella agency" for all future projects in the county.

HEW and KCHC signed the compromise that afternoon. In the evening the five campesinos met with their supporters in the basement of the Lutheran Church in Lamont. Heated debate lasted past midnight, but the campesinos finally decided to sign the compromise. "It was not a victory, it was not a defeat," said CDLC chairman, Natividad Arreolo, weary perhaps in the knowledge that he was due out in the fields again at 4 a.m.

If Weedpatch Had Movies

That should be the end of the story. You know it's not. In the months since, there have been controversial hirings and firings, protest resignations, accusations of petty theft, and at least one false rumor of a sexual nature deliberately planted to

Answers to September puzzle:

A	C	A	D	I	L	L	A	C		B	R	A	K	E
D		N		M		O		A		R		L		N
H	I	G	H	P	O	W	E	R		I	C	I	N	G
O		K		L		L		B		T		B		I
C	H	O	R	A	L	E		O	P	I	N	I	O	N
		R		N		A		N		S				E
S	O	W	E	T		D	A	M	P	H	O	U	S	E
P		A				G		O				N		R
A	U	T	O	T	R	A	I	N		T	R	A	M	S
R				O		S		O		E		S		
K	N	O	W	W	H	O		X	A	N	T	H	I	C
P		R		P		L		I		G		A		I
L	Y	D	I	A		I	S	D	R	E	A	M	E	D
U		E		T		N		E		A		E		E
G	I	R	T	H		E	A	S	Y	R	I	D	E	R

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discredit a potential project director. Dr. Garcia, the South American medical director, took his state boards again in June, and the delay in reporting his grade leads to speculation that it is being deliberately held up in channels for political reasons. As of September 1, the young medical society executive was still project director, a fact from which few but the medical society derive any comfort, and yet he is there.

The question remains as to whether KCHC will cede its little fiefdom to the campesinos by January 1, as agreed. HEW says it is committed to seeing the campesinos take over on schedule, and it is hard to imagine what KCHC could possibly gain by holding out. One also can't help but wonder whether the campesinos really are capable of running the project.

The real problem with this project, and, one suspects, with others as well, has been the ease with which political considerations were able to obscure the stated objective, namely, comprehensive health care for farm workers —combined with the fact that HEW would seem to have subordinated the stated objective to an unstated, or at least secondary one, namely, Mexican-American community organization. Thus, it took 15 months of sparring and jockeying before a single patient was seen. And once opened, the clinic had to shorten its hours anytime HEW felt it necessary to suspend funds in order to reprimand this faction or that. The community of 20,000 is still without a dentist because of an essentially political decision.

The medical society seems to think that because doctors can save lives on a surgical table, their expertise necessarily embraces all facets of medicine, including how it should be delivered to people whom the doctors barely understand, can't talk to, and don't especially like—and the medical society fights to preserve the integrity of that idea. The poor people, black and brown, want better medical care than they are accustomed to receiving, but they also want power and respectability and anything else that might foster the illusion that they are swimming into the mainstream, and if a government health project is the only game in town, they'll jump at the chance to play it, and they'll play it as fiercely and seriously as they imagine it to be played elsewhere, and so what if the brothers and sisters have to wait a little longer for something they have never had anyway. And the whites on the clinic staff and the others lurking in the background all the time probably wouldn't be so eager to stir up the waters if only Weedpatch had a movie theater.

The government, through all this, has been like a ship captain steering the project towards shores the crew can't see yet. For the crowd in San Francisco, the project has been, and continues to be, "an interesting social experiment" (an assistant regional director's words), originally conceived to meet a singular need, but taking on added dimensions as it unfolds. Can blacks and browns work together? Are illiterate campesinos capable of self-administration? What adjustments can we make to keep the community from blowing apart? "I would say we've basically been more interested in using the clinic as an instrument of long-range social change than in meeting the short-run health needs of the target community," one HEW official admitted, fully aware that this is the kind of statement bureaucrats get roasted for every day.

To date $400,000 has been spent on the project, a mere fraction of the $13 billion HEW spends every year on health programs. One shudders at the thought of KCLMs and medical societies and campesino-equivalents plotting and maneuvering against each other and intramurally in every community where federal grants have been won; and yet, that is probably what happens, and is happening, all over the country at this moment.

"Kern County?" a project officer asked rhetorically. "Oh, it's not so bad there. These things are usually much worse in urban areas." ■

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MEMO of the Month

The following was given to the people accompanying President Nixon on his trip to China.

THE WHITE HOUSE
WASHINGTON

February 8, 1972

MEMORANDUM FOR: ALL MEMBERS OF THE AMERICAN PARTY

SUBJECT: Health Care Recommendations

The change of climate of this party has been much more severe than anticipated. Many of you have had colds, coughs and even fairly high fevers. We feel that this is primarily due to unnecessary exposure to the deceptively penetrating cold weather in this area.

We must therefore, reemphasize that everyone should be more concerned with proper clothing for outdoors, particularly hats, scarves, and warm foot covering. We are grateful to our hosts for providing us with warm coats and hats. (If you don't have these items, ask one of the interpreters.) THESE MUST BE WORN!

We have also noted the first cases of "Baboon Syndrome", the rash on the buttocks, similar to a poison ivy response. This too, is due to unnecessary exposure to the lacquered toilet seats. SIT ON THE PORCELAIN BOWL NOT THE LACQUERED TOILET SEAT!

Chief Hospital Corpsman Robert Dunn, USN, is available in Room 606 for any medical problems.

7:30 AM to 8:30 AM and 7:30 PM to 8:30 PM are designated as sick call hours.

/s/ RON WALKER

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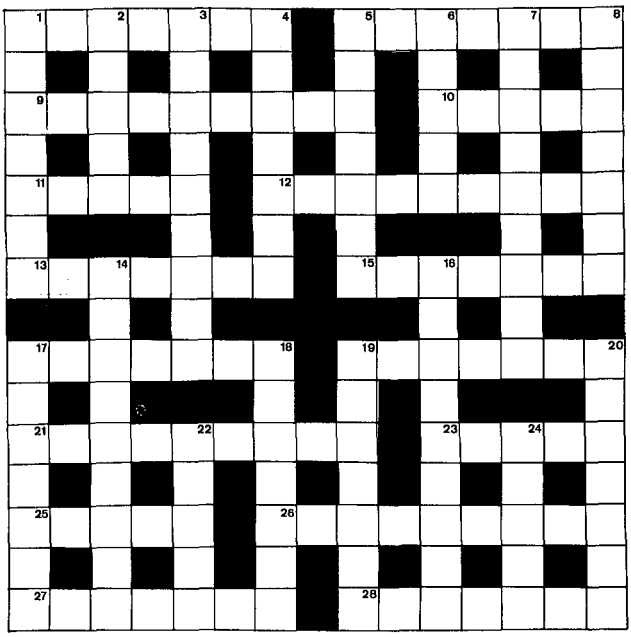
The Political Puzzle

by John Barclay



ACROSS

1. Bug sins opposed by Nixon. (7)
5. Platform slanted in favor of weight? (7)
9. Frank, consumed, runs for office. (9)
10. Get a start in limp election campaign. (5)
11. Why airs in Near East cause trouble. (5)
12. Best way to reach most of the same maids. (4, 5)
13. Way out! (3, 4)
15. Avid tee-totaller departs from norm. (7)
17. Each of the Reeds, Sr. and Jr., wears well. (7)
19. Hide something in corner of Mediterranean island? (7)
21. Reflex action of tau atomic particle. (9)
23. Due to follow elb or kowt. (5)
25. Theater-goers are monsters in the end. (5)
26. Price is no object when you look for accuracy. (9)
27. They make a sad roll today. (7)
28. Who resists war—nuns. (7)

DOWN

1. A sick bat lends support. (5, 2)
2. Elder, without eye is man in Madrid. (5)
3. Omit stair like everybody else. (9)
4. Gee, with two arms, you should speak better! (7)
5. Content that the time elapsed. (7)
6. Mix up afternoon and note to get drug. (5)
7. With pride you eat your words. (9)
8. Distance ahead in lie game. (7)
14. College from Navy unit up East in Israeli airline. (9)
16. It is cover for triumphs. (9)
17. Lil or Jim Brady. (7)
18. Writes again about characters. (7)
19. Sis' neck does not please. (7)
20. Ingenues do the work without you. (7)
22. She got up steam in Luxemburg. (5)
24. Preceded Ike in 1952. (1, 4)

The numbers indicate the number of letters and words, e.g., (2, 3) means a two-letter word followed by a three-letter word. Groups of letters, e.g., USA, are treated as one word. Answers to last month's puzzle are on page 6.

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The President's Asylum: The Secret Service's Preventive Detention

by Timothy H. Ingram

The old man had been in the maximum security ward of the mental hospital because he had written a threatening letter to Harry Truman when Truman was President. The fact that he had threatened the President was like a mark on the forehead. About the time Kennedy was in office, we started a reading program for the patients, and someone noticed the old man didn't write. It turned out, after we did some checking, that someone drinking in a pub had signed the man's name to this hate letter sent years before. By then the old man was too far institutionalized to be released and function on the outside, but at least he got some grounds privileges, and out of maximum. I don't know what ever became of him. Probably died in there.

Joseph Henneberry tells this story about a man committed at Kentucky State Hospital, one of several asylums where Henneberry served as an assistant administrator before coming to St. Elizabeth's in Washington, D. C. It is more than just another example of the ease with which someone can be lost in an asylum. It brings to attention the prevalent Secret Service practice of using mental institutions as holding tanks for security risks it wants off the streets—and other preventive procedures the agency follows in its desperate attempt to stop political assassinations.

Timothy Ingram, formerly with public television's "The Advocates," is a Washington writer.

The agency has enormous discretion over whether to send to a mental institution or file criminal charges against any individual who threatens the life of the President, writes hate mail, utters an intemperate threat at a party, or asks crazy or persistent questions at the White House gates. The civil commitment proceedings are loose enough that the Secret Service often uses hospitals as preventive-detention centers. (In the District of Columbia, as in many states, anyone can be held for up to 48 hours for observation on the word of an agent and an admitting psychiatrist—and where the Secret Service is involved, psychiatrists usually go along without question.) The criminal statute is broad enough to interpret even a written or spoken desire to "kill the President" as enough to warrant prosecution.

The issue is how the Secret Service uses these powers, what kind of people it investigates and puts away, and whether the rights of those people are adequately protected. Nobody denies the need for the agency, and the extra caution required for the horrendous, if not impossible, task of protecting the President. But there has been almost no outside scrutiny of the way the agency does its job—and the Secret Service shields itself by classifying everything and refusing to discuss its protective mission, its application of manpower, or its assassin profile.

What can be determined is that since the characteristics of violent people or potential President-killers

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are still largely a mystery, the Secret Service tends to concentrate its energies on dealing with people who publicly come to its attention—the letter-writers, gate-crashers, and soap-boxers. The agency focuses on these people in good part because of the criteria it uses to gather intelligence data. Its guidelines for files on potentially dangerous suspects include scraps of information on those making "threatening, irrational, or abusive statements" about government officials, on professional gate-crashers, people who demand to see the head of an agency to redress "imaginary grievances," rumors of threats to harm or even "embarrass" top federal officials, and the names of persons who take part in demonstrations.

Many of the cases investigated by the Secret Service involve direct threats to the President from people who call up or write in to say that they have the gun and are ready to use it. Many more involve crude remarks made by drunks at barstools, political hyperbole, or outraged rhetoric from people who accuse the President of "butchery or savagery" and vow that "somebody should put him away." The agency treats every report of a threat with deadly seriousness, and probably would be negligent if it did not. But one wonders at the lengths the agency will go to to snatch some unwary loudmouth.

Around the time of President Nixon's 1969 inaugural, two men sat talking in a hamburger stand, and as Kirby Howlett of the D. C. Public Defenders Service recounts it, one said:

"Hey, man, why ain't you working?"

His friend replied: "Oh, I'll get a free ride with the welfare."

"Well, with Nixon in, baby, you'll have to get a job."

"Sheet, then I'll just shoot him with my high-powered bow and arrow."

A customer overheard the conversation, and the Secret Service arrested the man for threatening the President.

A recurring comment from defense attorneys is that a busybody will report the threatening remark and Secret Service agents will hustle off the offender without really substantiating the context in which the crack was made. A former U. S. attorney summed up the problem: "We always thought those pool hall and bar cases were semi-serious, with an accent on 'semi'—but wouldn't you look like a damn fool if he did kill the President, and we had dismissed the case?"

There have been 34 arrests for threats to the President during the first eight months of this year. So far, five indictments have been returned; the Justice Deparment has declined to prosecute two cases; five were dismissed by the court; two were specially treated as youth offenders; and 20 of the cases are pending. Most of those arrested are now undergoing psychiatric observation to determine their competency to stand trial.

The 1916 law making it a federal crime to "knowingly and willfully" threaten "to take the life of, or to inflict bodily harm upon the President," is a unique statute, broadly interpreted, and widely abused. It carries a five-year maximum sentence, and up to a $1,000 fine.

A majority of the courts have interpreted the statute to mean that the making of the threat—the saying of the words—is the crime. Under that wide interpretation, the government does not need to prove that the person actually intended to carry out the threat or had any ability or intention to harm the President.

When somebody phones the White House and directly threatens to kill the President, even though he might be joking or just wants to scare the authorities and bring attention to himself, he is and should be prosecuted. One purpose of the law is to avoid any harassment and disruption of presidential activities that frequent crank calls might cause.

But where the law is invoked to guard against actual attacks on the President, it would seem that the

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courts should require the prosecution to show that the defendant had intended to carry through on the threat. Courts have recently begun to change their stance on these cases, especially after a 1969 Supreme Court decision which struck down the conviction of Robert Watts, an 18-year-old, who was arrested after a rally at the Washington Monument in 1966.

In a small bull session after the rally, according to an Army intelligence corps investigator who was there at the time, Watts said: "I have already received my draft classification as 1-A and I have got to report for my physical this Monday coming. I am not going. If they ever make me carry a rifle, the first man I want to get in my sights is LBJ. . . . They are not going to make me kill my black brothers." The following day, Watts was arrested by the Secret Service for threatening the life of the President. The Supreme Court reversed the conviction, but did not decide on the question of whether the statute as applied impinges on the right of free speech. The Court simply concluded that Watts' statement was not a "true threat," but just political hyperbole.

In a similar case, Black Panther leader David Hilliard was arrested in 1969 on charges stemming from a speech he made at a November 15 peace rally in San Francisco, where he was quoted as saying "We will kill Nixon." Hilliard was in jail for a week, then released on $30,000 bail. Last year, a federal judge dismissed the indictment after the government refused to disclose the content of wiretaps involving Hilliard, and recently the government dropped its case against Hilliard because of the Supreme Court decision.

Regardless of its chances to win convictions under the statute, the Secret Service often uses it as a warning to potential troublemakers. Theodore Christensen, a former public defender who handled a number of President-threat cases, complains: "It's a hassle. The guys picked up don't have the wherewithal to assassi-

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nate anyone. The statute is just being used as a vacuum sweeper. Seldom do they take it to trial. It's usually just used to hassle. If I sound cynical about it, I am." Assistant U. S. Attorney William Collins says, "If it's a veiled threat, to get him off the street we might charge him, even though it wouldn't stick, and then civilly commit him."

Illegal, But Effective

Aside from arresting people for an actual threat, the Secret Service can also put suspicious people in temporary custody for a day or two while the President is in town. No warrant is secured; the person is just brought in for "questioning." As one Justice Department attorney says: "They may be no more than nuisances. But you can't take chances on them. Who knows what they'll do. If the President should come by in a parade, or be at a rally, who knows?"

There are recurring reports that the Secret Service uses various preventive-detention methods when the President is scheduled to visit an area. For example, if President Nixon plans to go to St. Louis, the computer will spew out a report of suspicious persons in the area. These people will be checked out. Some of them will be put under surveillance, or perhaps be taken into custody until the President leaves. All of this is done without warrants or legal authority. In the words of one former agent: "It's illegal as hell. But it's effective."

Those of "protective interest" might be brought in by an agent and kept in a hotel room or in the Secret Service area office. Most of the incidents are extremely difficult to verify. Few people give credence to the claims of a crank, and the only other witness, the Secret Service, isn't talking.

A former assistant secretary of the Treasury, responsible for overseeing the Secret Service, acknowledged the practice of anticipatory lock-ups, saying that the civil liberties involved were outweighed by the imperatives of the moment. A press spokesman for the Secret Service would not officially reply, other than inviting the writer to "use your imagination," but did guardedly comment: "Sometimes agents will use expediency—but only if there's no alternative, and only for the short time the President is in town."

David Acheson, former U. S. Attorney for the District of Columbia, head of Treasury's law enforcement agencies until 1967, and now general counsel for COMSAT, was asked about the preventive lock-ups used by the Secret Service, and acknowledged that he had been troubled about the practice, but found "there was no ready solution" to get the same results "by the book."

"These were peremptory lock-ups made in advance of the President's visit, which couldn't be justified on any legal basis.

"Likely the danger the guy represented was borderline or minimal, but was an illustration of the extreme sensitivity felt about the President's safety.

"No matter how small the risk, if an agent could get that risk removed administratively, and easily, for any short period, he would take it.

"There was no way to get the same kind of thing done through judicial hearings and proceedings, having to show cause."

Acheson seemed to indicate that several suits may have been brought against the Secret Service, but "none that posed any great concern."

While the Secret Service frequently uses the courts, prisons, temporary lock-ups, and surveillance of suspects, it seems to prefer working through the mental hospitals. It is in these situations that the greatest potential for abuse exists, because of the temerity of psychiatrists to question the judgment of the agency that protects the President. Some of those committed to hospitals by the Secret Service have actually threatened Presidents (three patients in the brick-and-barred crim-

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inal section at St. Elizabeth's have made threats) but you don't have to threaten anybody to end up in the mental ward courtesy of the Secret Service. This is where the agency is on shakiest ground—where there has been no hint of violence, and no verbal attack, but where a person is thought to be dangerous merely because he shows up at the White House with some crazy idea or persistent desire to see the President.

Show Up at 1600

One of the fastest ways to get into the mental hospital, in fact, is to show up at 1600 Pennsylvania Avenue without an appointment and continue to insist on talking to the President. (With overcrowding making it nearly impossible to get psychiatric help in some states, a few people have learned to hop a bus and come to Washington when they feel a breakdown nearing. One doctor at St. Elizabeth's likes to repeat what one of his patients told him: "The quickest way to see you is to go to the White House.")

At the very least, a visit will result in your name being filed in the Secret Service computer. Former baseball player Jackie Robinson recently ambled by the White House and requested to see the President about the black capitalism program, and his name was included alongside the 200,000 other "suspicious people."

In the civil section of St. Elizabeths, there are 21 people designated as "White House cases," and 150 such cases may be brought in for observation or commitment during the course of a year. The treadmill is quite simple to start into motion. A person will go to a White House gate and tell the guard he wants to see the President. The fact that he has no appointment seems to be enough to raise a presumption of mental defectiveness in the minds of guards and hospital psychiatrists. Normally, the person wants to give the President advice or warn him of an impending something; to protest an unfair military discharge or failure to receive a pension; or to ask his help to stop "them" from persecuting him. Often profoundly delusional, he may be obsessed with the image of the presidency as his only remaining court of appeal. "Free my brain," implored one man. A woman wanted the President to stop the "gum chewing" in her head. A 25-year-old insisted he could not be killed, and therefore should be the one to negotiate with Hanoi. Another woman claimed the President was a "wargoat," and that she had come to attend a war crimes trial presided over by Spiro Agnew.

The White House cop will attempt to dissuade the person and send him on his way with assurances that the President will give full and immediate attention to his urgent message. If the person insists, looks disheveled, or sounds bizarre, a Secret Service agent will be summoned to interview him. As one special agent put it: "We talk to him not as an agent, but as a friend." This coaxing might go:

"You say you work for the President and want to collect back payment owed you as his special IRS agent. Why does he owe you this money? What will you do if he doesn't give it to you?" or "Has the control device in your head ever ordered you to hurt anyone? If it ordered you to arrest the President, or to shoot him, would you obey?"

A second agent, eavesdropping in an adjoining room, will be phoning to see if the person is on file at Secret Service, has an arrest record, or a history of mental disorder. Reportedly, if the person does not persist in his demands, appears to be sane, and has money or a bus ticket home, he will be allowed to leave. If not, he will be taken to the hospital. He will not be warned that what he says may be used against him in a subsequent commitment proceeding.

Earlier this year, one young member of the Quaker Action Group's antiwar Peace Vigil, which pickets along the sidewalk in front of the Executive Mansion, had requested

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friends to write him in care of the White House. He was transient and otherwise without a permanent address. He walked into the White House mail room and asked for his mail. An exchange with the postal clerk ensued, and the protester was taken to St. Elizabeth's. He was there for several days before doctors released him.

According to Howard Stahl, formerly a legal assistant to public defender attorneys at St. Elizabeth's, a Vietnam veteran was recently carted off to the hospital for threatening the Vice President's nose. Indignant about the war, the veteran told White House guards that if Agnew would step outside a minute, the two of them could settle matters. The would-be bruiser was invited into the Secret Service's White House office, told the Vice President would be happy to see him, and would he please repeat the challenge in writing. While the ink was drying on the signature, he was taken to St. Elizabeth's. A doctor diagnosed it as a case of bad judgment.

A Paper Tiger

The White House cases may need psychiatric help, and some of them may even require commitment, but the snag is the informal web of arrangements between doctors and the Secret Service. The statutory standard for involuntary commitment in the District of Columbia—and in many other states—is dangerousness, but that standard must be stretched pretty far to include some of the people the agency brings in. As one staff psychiatrist at St. Elizabeth's says, "They're illegally committed. They're crazy as hell, but harmless as flies."

Magnolia Alexander, currently a resident of St. Elizabeth's, believes that she was the subject of an HEW experiment where people were constantly watching her and reading her mind. She came from Chicago to Washington on various occasions to attempt to visit lawyers, the Attorney General, the Vice President, and others, to have this stopped. She was adjudged dangerous enough to commit because of an incident in Chicago two years ago, when she had gone to a police station to complain about the conspiracy against her. The detectives refused to listen, and she threw a paper punch out the window.

The psychiatrists who must decide whether or not to actually commit a White House case (after a period of observation that may last from 48 hours to three weeks, while the "patient" sits alone, and is kept in a drugged state) tend to look differently on a person admitted through the Secret Service than one who is picked up by somebody else—even if there has never been an intimation of any threat to the President. Dr. Eugene Stammeyer, a research psychologist who has made a study of White House cases, says, "The operating assumption is that if the Secret Service brings them in, they're sick."

Psychiatrist John Chatel, head of the East Side Division of St. Elizabeth's, says:

> These cases are rarely refused admittance. You might say the Secret Service has carte blanche powers of placing people in St. Elizabeth's. Of course, it takes two signatures to admit someone as an emergency patient—the arresting authority and the admitting psychiatrist. The doctor could refuse, but I know of no case where one ever has. And what can you expect? St. Elizabeth's is part of the federal government. Are you going to tell the boss "No"? It's clear the only reason a lot of these people are brought here is because they made nuisances of themselves.

Calling on Tricia

Beyond whatever benevolent interest the agency might have in getting disturbed people into treatment, the Secret Service tends to look on mental hospitals as easy, short-term repositories for people whom they consider to be suspicious or meddlesome. It is easier to keep track of such people in hospitals. South Florida State Hospital, for instance, will place a "hold" or detainer, on any patient brought in

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by the Secret Service, and will check with the agency before releasing him. Some doctors at St. Elizabeth's are under the impression that agency approval is necessary before discharging a White House case, and there are instances where civil patients are transferred to maximum security wards because of the White House label.

It becomes difficult, in all this, to decide why a particular patient is actually being held, especially one who has not made any violent overtures toward the President. The Secret Service is principally interested in security and, like most of the rest of us, agents tend to believe mental illness and dangerousness are one and the same thing. Faced with irrational behavior, they don't know what to expect next, so they play it safe and expect the worst. But however nervous a full-blown paranoic may make us, there is no empirical evidence indicating that he is more likely to commit a crime than any normal person.

This is not to say that insanity and dangerousness are mutually exclusive. Some mentally ill people are dangerous, others are not. The point is, diagnosing a person as psychotic, for example, says nothing about the kind of psychosis he has, whether he is dangerous or not. But the assumption is that if he is psychotic, he must be dangerous.

This is understandable from the Secret Service point of view, but the dilemma is compounded when the admitting psychiatrist gives so much weight to the Secret Service label. Often the deliberate caution of the agents is not counterbalanced by a truly independent evaluation by psychiatrists, especially since the Secret Service's tendency is to group all mental patients who come to their attention as potential assassins.

If a psychiatrist decides that a patient is sane and harmless, and can be released, and the Secret Service still has doubts, the agency can always get him readmitted to the hospital, at least for a few days. An assistant U. S. attorney with 12 years' experience says, "If we consider the man dangerous, we'll sometimes strongly object to his being released." If those objections are ignored, then the Service can follow the persistent action taken by one of its agents in a recent case. As the agent tells it: "This woman was big, black, and had two children. She had terrorized everyone on the block, once swinging a knife. She had made repeated threats toward one of our protectees. I took her in, but the hospital psychiatrist didn't think she was mentally disturbed and released her within a week or so. It took her in again. Again, she was released, so I took her in once more."

The Secret Service is not only a powerful factor in influencing psychiatrists and mental hospitals to admit White House cases, but the agency often continues to harass people after they are released, and even uses deception to get them readmitted. The case of John Ballay is fairly typical. Ballay, an Albanian refugee, began to believe he was a United States Senator and was married to Tricia Nixon. He appeared at the White House gates in January, 1971, saying that he had come to claim his "permit" as a senator from Illinois. He was taken to St. Elizabeth's, diagnosed as a paranoid schizophrenic, and committed.

Ballay was released in March and returned to New York, only to reappear at the White House on June 7, a few days before Tricia's wedding to Edward Cox. Presenting himself as Tricia's husband, Ballay told the guard he wanted Tricia to tell him that they were no longer married, and that he wouldn't interfere with the upcoming marriage. Again, he was sent to St. Elizabeth's.

Two weeks later, the hospital purchased a bus ticket for Ballay, and he was discharged and sent back to New York. As is customary, the Secret Service was notified of his destination. Agent John Rodeschin of the New York office talked with Ballay, and

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according to Ballay, enticed him to return to Washington, where "Tricia wants to see you." Ballay again appeared at the White House, and was quickly hustled off for his third trip to St. Elizabeth's. Ballay appealed the commitment, and Karen Moore, his attorney, says she spoke with Agent Rodeschin, and that he admitted having urged Ballay to return to Washington to visit Tricia. Ballay was finally released in November, 1971, five months after his last admission to the mental ward.

Rodeschin would neither confirm nor deny whether he had issued the invitation from Tricia, but he did indicate that he had spoken to Ballay since his release, saying, "I think we've been in contact with him so much that he's beginning to realize he's not married to her."

A Separate Illness

The Secret Service spends much of its energy monitoring White House cases and letter-writers largely because there are no reliable guides to predict violence. If the agency went out and committed or arrested all the people in the country with the same characteristics as those who happen to show up at the White House gates, prisons would turn into large cities. But, of course, the Secret Service can't do that, and wouldn't begin to know about how to, and therefore it must attend to its assured clientele—the characters who approach it.

Like the agents who don't want to be the ones to let the Lee Harvey Oswalds out of their grasp, the psychiatrists also have an understandable tendency to over-predict dangerousness. They have a tendency to protect themselves from community outrage in those well-publicized cases where the headline reads: "Ex-mental Patient Runs Wild," by overreacting and recommending commitment. The great pitfall of any system of preventive detention is that it always appears effective, even when functioning dismally. Predictions of dangerousness are self-fulfilling; those confined have no way of showing they would not have committed the predicted act if free. It can always be claimed that wider violence is being averted, thus proving the worth of present practice, even if assassinations still occur.

Police also bring the mentally ill to hospitals, but the presence of the Secret Service has special impact. The categorization of a patient as a White House case is not as intimidating to doctors today as it once was during the 1930s and 40s, but the subtle pressure is still there. Contact with the Secret Service becomes, in effect, a separate category of illness.

I regretted, but found it necessary, to contact several released White House cases to check whether, as I had been informed, agents continued to call them. In two cases, individuals refused to talk to me in the understandable anxiety that anything they might say could only call attention to themselves, and the perhaps correct paranoia that recommitment was always a possibility. Hanging up on authorities who call to test your wits is something else.

Individual injunctions barring the Secret Service from continually hauling in and pestering the John Ballays of the country might be possible, though improbable. The hurdle is that these decisions are made in the agency, on the initiative of a single agent. After that, there is no rebuttal. The Secret Service, in the matters of safeguarding the President, is accountable to no one—except the President, and nominally to the Secretary of the Treasury. While care should be taken not to render the agency's protective practices useless by making them all public, the day-to-day operations of its field men, its handling of citizens, its intelligence gathering, and its competence, badly need review.

Assassinations have extracted a fearful toll in the last decade. An unnoticed part of that price has been paid by some of the people from whom the President was supposedly being protected. ■

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The Presidency

David S. Broder
THE FALLACY OF LBJ'S CONSENSUS

James David Barber
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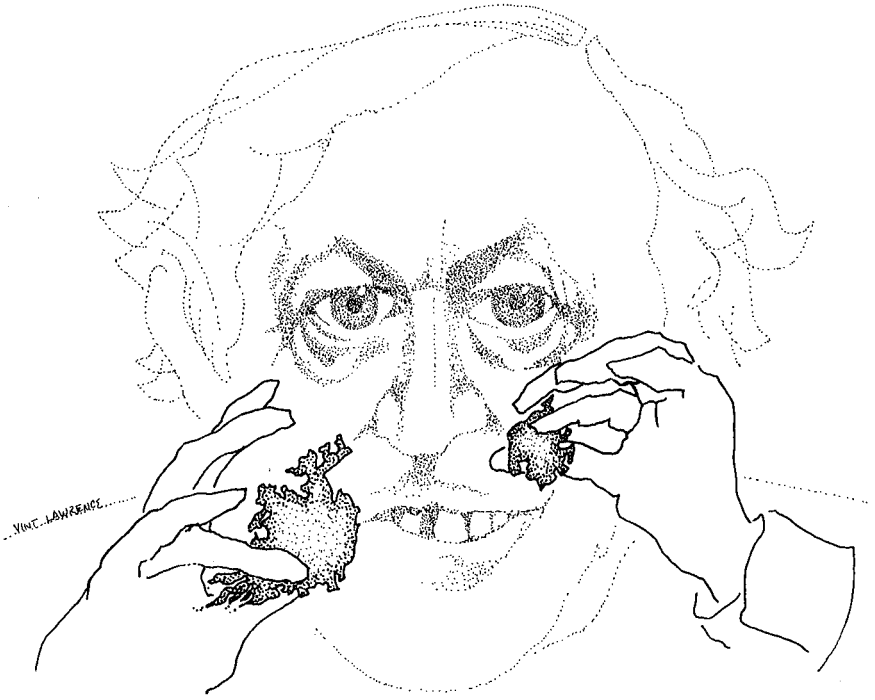
An Ulsterman's Irishman an Arab's Jew



by Suzannah Lessard

Occasionally, an act of war flashes in one's face out of the removed world of newsprint. The Arab killings of the Israeli hostages was one of those events, as were the reactions which followed. The succession of acts and responses, played out at a morbidly slow pace, seemed a grotesque anecdote of all war. Israel bombed Syrian villages, hurting no militants and many civilians. Captured Arab terrorists spoke of their allegiance to a higher form of justice than the present world could comprehend. The Jewish Defense League declared its intention of assassinating Arab diplomats. Because no mention had been made of Munich, the United States vetoed the formidable gesture of a UN resolution condemning the Israeli raids. The Olympic games, having theoretically asserted the predominance of friendly competition, came to a sullen end.

Those moments in which events bring on the reality of war also bring revelations, but they are overly simple, small and hard, like ball bearings around which the mind swivels in trying to get a grip. First, war is a ritual with a life of its own quite apart from political matters. Secondly, it is a *tribal* ritual. Third, it is perpetuated through tightly interrelated escalations, a kind of coordination almost, between sides. If such revelations don't tell you what can be done about war, they at least jolt one into reevaluating one's conceptions of the cause of peace.

Suzannah Lessard is an editor of The Washington Monthly.

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The political intricacies of particular wars, such as Vietnam, recede before a larger, timeless, picture of which Chad, Vietnam, Bangladesh, Ireland, Uganda, and so on through the lexicon of small wars, all appear to be choreographed according to the same tribal-historical ritual, regardless of whether the big powers are playing through them, or the international left has blessed one or another side as part of a world-wide revolutionary front. The reflection leads nowhere, except to piousities like "All men are brothers." But that sounds like pacifism, for which Americans have always had a distaste, putting it in the same category as vegetarianism; a touch of the Jesus complex and no muscle. Anyway, it doesn't have much to do with *realpolitik.*

An Irish Uncle Tom

Two men have recently tried to execute the thought in real life. They are hardly alone as peacemakers in the world, but they have a curious practicality which is refreshing. Conor Cruise O'Brien, as a member of the Labor party and of the Irish Parliament, or Dail, has bucked the sacred tribal romance of the Irish Republic's claim to the North. O'Brien said very plainly both that the claim is imperialistic (an adjective usually saved for Britain), since most of the population in the North wants no part of the South, and that it is the major irritant in the conflict, because the threat of being submerged into the vast Catholic population of the South is what makes the Protestants fear and hate the Catholic minority with such a passion in the North. The response to his action is a perfect case of peacemaking perceived as treachery. He has been called a "Shoneen" (equivalent of an Uncle Tom) and "an Englishman's ideal Irishman."

The second person is a different kettle of fish. Abie Nathan, an Iranian-born Israeli, has turned a cargo ship into a fully equipped radio station. He plans to take it to the Mediterranean and broadcast to both the Arab countries and Israel, counteracting with ridicule and undistorted news the inflammatory and distorting fare served up in both countries to avid radio-listening populations, and offering an open forum for Jews and Arabs—and anyone else—who wants to reach an accord. He doesn't think this project will bring about peace in itself, but hopes it will help create a climate in which the warring countries will be able to talk to each other. Nathan has provoked few accusations of treachery, though it is clear that his ideas are deemed unpatriotic by the Israeli government, and he faces a year in jail upon his return (for having traveled to Egypt several years ago to urge the leaders to come to the peace table). His main obstacle in this particular project, however, has been that other ingrained reaction to peacemaking as amateurish (unless moving to the pomp of pacts between the mighty), crackpot, and, in any event, somehow limp. Neither man is likely to produce earthshaking results, but both are interesting in that they are looking straight at the cause of the exacerbation of tribal hatred which keeps the two sides from reaching an accommodation. And they are both members of one of the tribes in the conflicts they seek to pacify.

Forgetting Yeats

O'Brien has written a book (*States of Ireland*, to be published by Pantheon in January) which gives his position a very sharp edge, not only as one tries to sort out one's feelings about the particular situation in Ireland, but in wrestling with this sort of highly charged ritualistic feud in general. The book is a personal account of his struggle as a politician and as a Southern Catholic to arrive at his true opinion in the matter. There is some history of the past, but most of the book deals with the modern situation and is written over time, without revision, as events happen and as O'Brien changes. So, for instance,

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when the IRA leader we have seen early on as a gentle, pipesmoking, rather poetic character is revealed as a fanatical killer later, the reader takes the shock with O'Brien. Irish romanticism deeply entangled with politics is a very heady seductress, as any reader of Yeats knows. When you realize that in Ireland the romanticism is not neatly confined between the covers of books but flows daily through every pub and cottage, then you realize why it takes guts to attack it. You are challenging a part of the Irish identity.

The core of that romance is the Republic's claim to the North, over which Britain retained control when the South was let go. The reason she retained control was not that she overpowered the people there, but because the Protestant population wanted no part of the Southern rebels and refused to send representatives when the Irish parliament was formed. According to O'Brien, the fact that most of the people in the North like their affiliation with Britain has always been carefully dodged in nationalist writing and talk, always "touched by a curious flicker or stammer when this question comes in view." The stammer takes the form of talking about all the people of the North and then describing them in ways which apply only to Catholics, making the Ulster Protestants into non-people. Thus, after a televised discussion between O'Brien and Erskine Childers, who is Deputy Premier of Ireland and a Protestant himself, O'Brien said that Childers:

> . . . claimed that Mr. de Valera's Constitution [asserting the claim to the North] was now accepted by "all our people." This statement is demonstrably untrue, if "all our people" means all the people inhabiting the territory claimed by the Constitution in question. When I put this point to Mr. Childers, he seemed unable to understand it, although he is an intelligent and highly educated man. But the gap between traditional Irish Republican doctrine, formed in the 18th century, and the realities of late 20th-century Ireland would confuse anyone obliged to think about the realities in terms of the doctrine—especially the doctrine as refracted through Mr. de Valera's Constitution.

What O'Brien locates here is a tribal blind spot. The way it fits into the total situation, however, is a little complicated, because the blind spot is probably not shared by most Catholics in the North, who not only are faced daily with the fact that the Protestants exist, but don't have the same burning religion of a united Ireland. The blind spot does affect the Ulster Protestants, however, in the sense that it terrifies them because, though they are in a clear majority as long as Ireland is partitioned, they would be a helpless, downgraded minority should it be united. Not only would they lose their status and political control over themselves, but would reap additional hatred as a minority known to be disloyal and a kind of fifth column. In this context it's difficult for them to see the Catholic struggle as a clear-cut matter of civil rights. The suspicion is not allayed by the fact that the IRA is in heavy evidence in the North. The fact, as O'Brien asserts, that the Northern Catholics welcome the IRA only as defenders, but do not share their concept of the struggle, is hard to perceive—much less inspire faith—under the circumstances, particularly when the Southern government, while officially against IRA activities, tacitly condones them. As O'Brien puts it, to the Protestants the situation is what the civil rights years would have been to white Southerners if a large black nation south of the border had been seething with passion over the issue while repeatedly asserting a claim to the Southern states. In other words, the counterpoint to the tribal blind spot is a tribal fear, and the dynamic between them is the essence of the bloody conflict, hence the proper object of efforts to make peace.

A Drunken Embrace

O'Brien's viewpoint, in his own words, is neither "impartial nor de-

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tached." Despite the author's efforts to describe their perspective, the Ulster Protestants come off as a raunchy lot, 19th-century in their social attitudes, arrogantly superior, superstitiously suspicious of the superstition which they see embodied in the Catholic Church, and wildly chauvinistic, an archaic quality that even Britain, the object of their affection, finds distasteful,—"like being embraced by an argumentative drunk." Of himself, O'Brien writes:

> It is to the Irish Catholic community that I belong. That is my "little platoon," to love which, according to Edmund Burke (whose family were in that same platoon) "is the first, the germ, as it were of publick affections." I am motivated by affection for that platoon, identification with it, and fear that it may destroy itself, including me, through infatuation with its own mythology.

That partiality illuminates his presentation of the issues, however, as from within the context of his primary identification he strains to understand the tribal dynamic intelligently. Had he endeavored to repress that identification, or had he been a truly impartial foreigner, the book, however objective, wouldn't have been nearly as potent. He wouldn't have been able to communicate the strength of the element which lies at the bottom of the conflict—tribal mythology. Because Irish mythology is one which has touched anyone who has dipped into Irish literature, working through that mythology as it is practiced in that civil war is particularly instructive as the reader can actually feel the distorting pull, in a mild form, of the tribal inspiration.

The ways in which the blind spot is cultivated in the South are varied. The stammer is one. Another, and the most theatrical, has been the regular commemoration since 1966 of the historical events of 1916-1921, perhaps the eeriest evidence of that "infatuation with mythology." Though the officials who participate in these ceremonies are allegedly against IRA terrorism in the North, the occasions regularly revive the old spirit, and the terrorists, who claim to be the legitimate heirs of past heroes, have nothing but sympathy to gain from these emotional occasions. The commemorations also remind every Irish person that the aims for which those romantic heroes of the past had given their lives, a united Ireland, has not yet been achieved. While most people were not ready to applaud the tarring and feathering of young girls, or the blowing up of cleaning women, popular reserve concerning the IRA is a fragile one: the minute the terrorists are caught and imprisoned, they regain in the minds of the people the holy, brave glow of the patriots. The Ulster Protestants are living out the same ritual:

> And the day after the 50th anniversary of the Truce in Dublin, came in Belfast the 281st anniversary of the Battle of the Boyne. . . . We all seemed to be like sleepwalkers, locked in some eternal ritual reenactment, muttering senselessly as we collided with one another, wrestling in the dark. Very shortly after this, on 2nd July [1971] I decided personally to opt out of the commemorative culture. I did so by refusing to attend an Erskine Childers (senior) commemoration in my home village of Howth.

Such moves are not likely to gain one popularity in a country where the past is in ways more real than the present.

Another way in which the blind spot is cultivated comes from an entirely different political direction, from Bernadette Devlin and the radical students. They have made the familiar claim that religion is completely irrelevant to the struggle, which is economic, and that the only solution lies in overcoming the ignorance of the lower-class Protestants (of whom there are far more than Catholics), so that both can join together and overthrow the corrupt capitalistic government in a socialist revolution. This is a very seductive line in any internecine situation because it is reasonable—the Catholic and Protestant workers do have a common cause—because it gives all the violence a point (if that is the end, perhaps it will have been worth it),

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and because it is such a gratifying solution, almost mathematically elegant, to all the messy contradictions. In fact, however, the Protestants see such appeals only as another Catholic plot. And not without reason, for the stammer reappears with the revolutionaries as well. When off their guard, they refer to "the people" and "what they want" in ways which could apply only to Catholics, and besides, the vision is of a revolution throughout Ireland, in other words, after it is all over Ireland will be *united*, submerging all the Protestant socialists in a socialist Catholic population. The old wing of the IRA has been pushing such a revolution for years.

Fine as the goal itself might be, O'Brien perceives more clearly how the revolutionary rhetoric, intended to bridge the gap between poor Catholics and Protestants, actually widens it.

Their activities were highly significant, but did not have the significance they themselves ascribed to them. Formally, they had been not only non-sectarian, but even anti-sectarian, their objectives class objectives. But in practice the more violent their language and gestures—nominally in the service of a revolution of all the workers—the more they were polarizing Catholic feeling in both communities. They did not just spark off *one* "mass response," they sparked off *two*—a Catholic mass response and a Protestant mass response. The whole population of Northern Ireland now suffered between these two great fires.

No matter how one tried to redefine the situation—natives versus settlers, imperialists versus the colonized, or workers versus the ruling class—the redefinitions ran amuck of the realities. In actual terms of bringing Catholic and Protestant workers together, revolutionary rhetoric actually drove them farther apart and made socialist revolution an ever more remote possibility.

Antigone's 460 Funerals

These conclusions are not original: the Irish government was aware enough of the destructively provoca-

we bring them all together

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tive nature of the IRA to know it shouldn't openly support it, and few really believed the socialist formula could actually be pulled off. But the romance of the Irish heroes and the hope for class solidarity are hard notions to let go. Even while dismissing them, they influence the way one perceives a situation. O'Brien's book is a total stripping away of ideology, and even though he starts from a point of healthy skepticism on all these matters (his development is really more of a clarification than a change), a bit of himself goes with the residue as he purges it, and a bit of the reader as well. One instance of this stripping away is particularly powerful because it is O'Brien confronting himself in the past. In an article on civil disobedience and civil rights in the North, written in 1968, he said: "The condition in Derry may be thought of as one of frozen violence: any attempt to thaw it out will liberate violence." So the piece is cautionary, but ends on a note, however moderately put, which leaves a reader with little doubt that the risks of civil disobedience are worth taking. Equating civil disobedience with Antigone, he writes in 1968:

> We should be safer without the troublemaker from Thebes. And that which would be lost, if she could be eliminated, is quite intangible; no more, perhaps, than a way of imagining and dramatizing man's dignity . . . . In losing it, man might gain peace at the price of his soul.

Three years later he writes:

> After four years of Antigone and her understudies and all those funerals (a hundred at the time of writing, 460 at the time of going to press), you begin to feel that Ismene's common sense and feeling for the living may make the more needful, if less spectacular element in "human dignity."

In any case the play has been moving —like so much else in Northern Ireland—backwards, away from the ceremonial act of non-violent disobedience, and into the fratricidal war. Turning one's back on Antigone, no matter how compelling the situation may be, is a hard thing to do, as the first opinion demonstrates. In that piece O'Brien closes the door and opens it, closes it again, and then, turning away, gives it a little push so it will drift open, knowing a chink is all that is needed for the spirit of Antigone to flow through.

I am not an expert on Ireland, North or South, and so cannot judge the accuracy of O'Brien's description of the situation there. What I value in the book is his way of looking at the situation, his way of trying to get at the core of the matter in spite of the endless curtains of ideology and mythology which keep brushing in his face, in spite of the conspiracies within him which hush the truth. Like him, one emerges from the book chastised both as a romantic and as a 20th-century social and political progressive. Although throughout the book analogies to other situations occur constantly, which is part of its tremendous power, they don't occur in the sense that one concludes all situations match Ireland. You remember the ever-forgotten realization which the Left, in all its trumpeting about peace, has buried particularly deeply this time: that while class struggle and economic revolution may be the name of the game in some instances, nation, religion, history, mythology, all the mysterious psychological frontiers which are most aptly summed up as tribalism, remain the chief cause of war in the world today; that wars, whatever political and philosophical or even civil libertarian elements they may also include, are choreographed according to those contours and that peace can only be achieved by recognizing them.

Abie Nathan is quite unlike the learned, self-checking, repectable O'Brien, but he takes O'Brien's viewpoint one step further out of mythology into reality. Actually, his picture of the Middle East is rather different from O'Brien's picture of Ireland. The hostility he feels is not the product of an ingrained tribal instinct, but the result of manipulation by politicians for their own ends. "Arabs and Jews have lived together

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for thousands of years in peace," he says, and with a peace heritage stronger than the war-like one, "they can learn to do it again,"—if only the repressed seeds of the instinct to coexist are watered. Another way of putting it is that peace is a goal which can only be attained by tapping the desire for it in the ordinary citizen. O'Brien, however, does not venture beyond the theoretical. Nathan has come up with a way to put the idea into practice.

Nathan, who in 1966 flew an old biplane to Port Said as an appeal to the Egyptians to seek peace, and in 1968 made five trips to Biafra bringing donated food in and children out, has, for his trouble, earned a "well-intentioned kook" image throughout most of the world, with the notable exception of Holland. The Dutch have helped him before, and this time, too, came through with enough money for him to buy a 570-ton freighter, sail to the Mediterranean, and broadcast to both the Arab countries and Israel.

Having acquired the ship, Nathan brought it to the United States, as it seemed likely he could raise the money to equip it more quickly in America. Three years later, he still needed $40,000 and incoming money had slowed to a trickle. Every foundation, and other sources of large sums, had turned him down, and he was cut off from small contributions because the media studiously ignored him. Faced with the prospect of using whatever money did come in from loyal supporters purely for subsistence, he pulled a publicity stunt, and announced that he would fast until the $40,000 had been raised. For several days nothing happened. Then a television reporter called, asked him how he felt, and said he would wait until the more spectacular effects of starvation had set in before he bothered to come out. Finally *The New York Times* gave him its blessing with a front page, second section piece. Lemming-like, other coverage followed, the most significant of which was eight minutes on the *Today* show, which departed from policy and gave an address where money could be sent. The $40,000 came in shortly thereafter, 90 per cent of it in small amounts. The Peace Ship, equipped with a 50 kilowatt transmitter, its lower decks stocked with the most modern radio paraphernalia, and its profile altered by a radio tower, complete with an international crew of volunteer technicians, will sail sometime this month.

During the time that Nathan's ship was tied up in the East River (and subsequently across the Hudson in New Jersey), the *Times* killed two stories on him for "insufficient interest." It's not difficult to understand why. To those editors, dealing daily with the complexities of the Middle Eastern conflict itself and the intricacies of its relationship to American politics, Nathan's project no doubt seemed worthy but a little pathetic, a little fanatical—the double hallmark of individually inspired good causes—but most of all, irrelevant to the real facts of the Middle East. Tied up month after month to a rat-infested pier, with no power and no heat, the Peace Ship and its captain undoubtedly seemed flatly "unconvincing."

Nathan's Folly

Nathan is a little naive, and there is no question that he is unfashionably optimistic about human nature, and somehow basically unfashionable in general—hard to fit into the scheme of things in a serious way. But he has not launched this project to expose his own ideas; he explicitly describes his role as provider of the facility for others. Nor does he even have inflated visions about what he might accomplish: He does not expect to directly bring about peace, only to work towards creating a climate in which peace can be achieved. No matter how you look at it, his idea is unquestionably intelligent. Why is it that such an idea, modest enough perhaps, in face of the

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huge problem, but practical and distinctly positive, does not have a place among the "real facts" of the Middle East? If Nathan is an optimistic fool, what does that make all the statesmen, editors, and analysts, with the rights to the stage, who proclaim themselves to be advocates of peace but can find no place in their vision of the problems for work like Abie Nathan's?

Through simple exposition, Conor Cruise O'Brien demonstrates how deceptive the left-wing formulas can be. Nathan, in a very different way, exposes the inadequacy of the Kissinger view by literally intruding another idea into the scene. The ideal accomplishment of the balance-of-power theory in the Middle East would be a kind of stalemate in hostilities, brought about by two of the big powers putting their muscle into alternate sides of the local conflict and thus stabilizing it. Once the muscle has been put to it, it is almost impossible to withdraw it without risking vastly increased bloodshed as the reinforced side, driven by its native passion, overcomes the abandoned side, which suffers longer because it has been built up beyond its natural strength by the now-vanished patron. That is the scenario we face in South Vietnam, and which, in a slightly different version, is giving signs of playing itself out in the Middle East. Now that Russia is pulling out, taking with her not only arms but apparently the judicious restraint of the chessboard, the unbacked-up Arabs seem about to let fly at the powerfully backed-up Israelis, opening a new act which could only escalate the tension in the Middle East for years to come. It is also extremely difficult, once the big muscle dominates the scene, to do anything along the lines of Abie Nathan's work, which is why, perhaps, his efforts seem so inevitably isolated from the "professional" world of international politics.

The peace movement condemned the chessboard theory of international politics, not only because it tended to encourage military intervention, but because it entailed a wanton disregard of the lives and the wishes of the people in the squares on which the big pieces maneuvered. Out of that outrage developed a new picture of the world, in which small groups struggling for liberation from the grip of the "imperial" powers were highlighted. In this context, the cause of peace becomes rather militant, and any sense of an accommodation by both sides acquires overtones of treachery. "One side's right, one side's wrong," chanted the antiwar demonstrators to McGovern in Miami Beach.

The movement almost completely lost its sense of direction over Israel, as some of its members stuck to ideological guns which dictated backing the Arabs while most responded to the tribal urgency felt by large numbers of American Jews. The Irish situation also also touched off natural sympathies in many Americans, and unlike the situation in Israel, this time the structure fit the paradigm perfectly. The Ulster Protestants, with their 19th-century attitudes and their association with none other than the British Empire, were clearly "wrong."

Nathan and O'Brien are hardly alone in the world—every "trouble spot" has probably produced similar voices, similarly considered irrelevant, if not downright treacherous. But their particular cases are especially challenging to Americans who consider themselves advocates of peace, precisely because many of us experience the stirrings of the tribal instinct when we think about the violence in their countries. These stirrings are the clues to what the real works of peace must be. O'Brien has shown us a way of understanding such conflicts, demonstrating, in a sense, the intellectual habits one must develop in order to recognize the demands of peace. Nathan has shown one way of putting that recognition to work—one of many possible ways. Discovering others and putting them into practice should be the primary focus of the work for peace. ■

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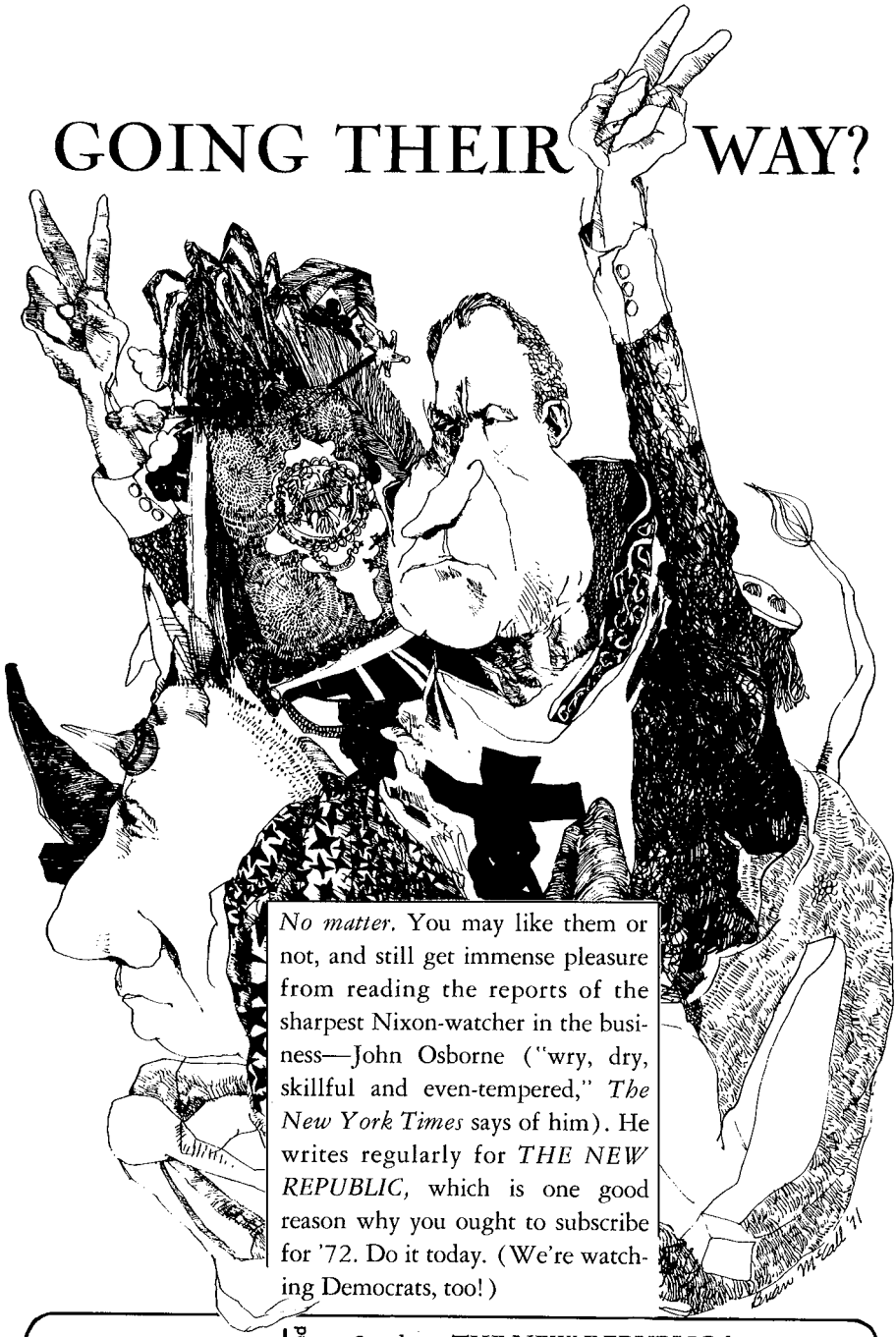

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Why Presidents Like to Play with Planes Instead of Houses

A review by James Fallows

In 1934, when Congress was giving him everything he asked for, Franklin Roosevelt agreed to his wife's plea to take on one New Deal project as his own, without congressional help. The project was the rehabilitation of Arthurdale, a community of starving miners in West Virginia, and Eleanor saw it as the showpiece of a new America, the model of how rural virtues and urban wealth could be combined. Over the next five years, Arthurdale never moved much further than the Roosevelts' requests to private philanthropists. By wartime, the plan had been abandoned, and after the war the few relics were sold off.

Some parts of the President's job had changed by the time Lyndon Johnson took office—such as his freedom to conduct war without consulting Congress—but not the frustrations of domestic projects. Martha Derthick's book, *New Towns In-Town*,* part of the Urban Institute's studies of why government doesn't work, examines a particularly dismal failure. The book tells why the President who could send half a million men to war and drop all the bombs he wanted could not get a few creative, hopeful pilot housing projects built.

*New Towns In-Town. *Martha Derthick. Urban Institute, $2.95.*

James Fallows is an editor of The Washington Monthly.

The book's doomed hero, the "New Towns" program, was one of the bright spots of Johnson's last year in office. By mid-1967, Derthick says, "Housing for the poor had been much on the President's mind." Well it might have been, since the ill-housed poor of Watts and Newark were calling it to his attention. At the same time, unpleasant publicity about Vietnam was beginning to tarnish Johnson's record as America's domestic reformer. An ambitious housing program might be just the thing to set the record right once more. But, as Johnson knew, housing was also the notorious quagmire of domestic politics. The main obstacles to urban housing were cost and protests: the costs were mostly for land and the loudest protests came from those who lived on the land before the bulldozers and construction crews moved in. Johnson thought of an inspired solution:

> One morning in August, 1967, as he was sitting in his bedroom at the White House and talking to Special Assistant Joseph A. Califano, Jr., it occurred to the President that federally-owned land in the cities could be used for housing. Within hours, his staff had assembled a working group... to figure out how this could be done.

If the federal government could turn over its land to the cities, Johnson reasoned, it could beat both problems at once: the land would be free

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or cheap, and the tenants could not possibly complain. It would be the ideal guns-into-butter trick: converting air bases and prison sites into new housing projects.

Less than a week after his talk with Califano, Johnson's staff had drawn up the first New Towns plan. Although Johnson saw these federal cities as a blessing spreading over the entire country, he intended to start in one special area: his own federally-controlled city of Washington, D. C. "We wanted to do it all over the country," Derthick quotes an aide as saying. "We wanted to do it well in Washington first, so that every mayor and congressman could see it done."

A perfect tract was available—335 acres of rolling, wooded land near the Fort Lincoln district in northeast Washington. The National Training School for Boys was on the site, but it was planning to move to West Virginia. Jumping ahead of the other agencies which had been queuing up to take the land when the training school moved out, Johnson imposed his New Town project. On August 30, 1967, Johnson announced plans for "a new, attractive, and well-balanced community at a major gateway to the nation's capital. . . this new development can be the best of communities."

While Johnson's staff was working out the legal and financial details for this 5,000-unit beginning, teams of special agents began tours of other cities to find suitable tracts of federal land. After screening for obvious problems—racial tensions, for example, which eliminated Milwaukee; or federal installations which were likely to swell and need more land rather than surrender any—the teams trimmed the original list of 48 cities to six. One, like Washington, was especially close to Johnson's affections: San Antonio, Texas, became the President's second-favorite project. The others were Atlanta, with extra land near a prison; San Francisco, with two spare military forts; Louisville, with an unused area near a V. A. hospital; Clinton Township, near Detroit, with free air base land; and New Bedford, Massachusetts, with a soon-to-be-closed Job Corps center.

But as the list of New Towns was prepared, the New Town idea was undergoing fundamental alterations. In the most absorbing part of her book, Derthick explains the crucial change that occurred when the New Towns went through the bureaucracy of the two-year-old Department of Housing and Urban Development. Starting out as a simple plan for quick, cheap housing for the poor, the New Towns emerged as a more sweeping, more ambitious, and eventually more vulnerable proposal for urban

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development.

At first, HUD resented the plan that Johnson handed down to them. Even the least perceptive administrators could see that it was at least an implicit criticism of the job they had done. Quickly, however, HUD warmed to the plan, realizing that it could be a vehicle for the Department's own advanced theories of urban planning. Where Johnson had seen a way to get roofs over poor heads, HUD envisioned communities "new" in every sense—technically, socially, racially.

The most controversial of these goals—most of which were missing from Johnson's first plan—was racial and social balance. While normal housing projects were mono-racial encampments of the poor, HUD wanted to see whether families of different races and incomes could be attracted to the same community. Doing so meant, among other things, keeping the proportion of poor and black residents below the critical mass that would drive the middle-class families back to the suburbs.

Johnson's staff knew what HUD was doing, and they apparently approved. If the President's social proposal became even more creative and exciting, so much the better. The difficulty, however, was that the very changes which turned New Towns from a construction project to an idealized model, minimized its chances of ever being built. A prophetic memo, sent by Abner Silverman of HUD, pointed out the problem: "In one sense, the report suggests that each of these new areas be given a 'model city' treatment without providing the financial incentives inherent in that program."

This, as it turned out, was the central theme as one New Town after another bit the dust. The rewards Johnson and HUD had to offer might have been enough to get a normal housing project started, but were not big enough to lure the cities toward New Towns. The one weakness of her book is that Derthick never quite explains just why the New Towns were so much more repugnant to the cities than more conventional projects would have been; the general impression is that the resistance grew from roots deep in custom, bias, and small-town thinking. The results were unmistakable.

A Sudden Groundbreaking

The gradual disintegration of the Washington project set the pattern. The first objections came from middle-class blacks, who did not like the idea of a nearby poverty-housing project. Trying to counter that by consultation and "community participation," HUD soon found several groups squabbling over who really represented the local people.

The project's several goals—quick results, social engineering, technical innovation—began to appear contradictory. The parts of the project that could be built most quickly—cheap, plain housing for the poorest people—were dangerous to build first if the project ever wanted to lure suburbanites. The more creative types of housing were also dangerous, often because they had never been tested and might collapse. In other cities, HUD later showed that it was willing to barter away its airy goals in order to win local support, but in Washington, with idealism pumping from director Edward Logue on down, the planners persisted. None of the basic problems—cost, design, pacifying the neighbors—had been solved when, a

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few months before leaving office, Johnson insisted that the project break ground, while he could still claim credit. Barely making the deadline, the token groundbreaking ceremony took place on January 15, 1969. The only houses uncontroversial enough to build then were 120 units for the elderly, people who would not strain the schools nor antagonize the neighbors. With Johnson out of office, the project was turned back to local authorities; the presidential push which alone had held it together was gone. In 1970, HUD turned the project over to Westinghouse for further development, sometime.

In other cities, where Johnson could not glower at tardy builders, the objections came more quickly and the New Town deaths were more sudden. In San Antonio, Congressman Henry Gonzalez initially welcomed the plan to turn part of Fort Sam Houston into a housing site, but after the fort's commander reminded him of the jobs which a strong air base brought to the district, Gonzalez turned against the New Towns. Even before the Fort Lincoln groundbreaking in Washington, San Antonio's plans had been canceled. In San Francisco, plans had barely been announced to turn Fort Funston and Fort Miley into New Towns when local conservation groups erupted in outrage. Bristling as ever with civic pride, they urged that the forts be made into parks. Briefly victorious, they got the New Town plans killed—only to find, several months later, that a military office center would be built instead.

Louisville proved that the screening for racial tensions had not been thorough enough. When the New Town was first announced, Louisville officials were busy protecting themselves from attacks on the segregated housing they had built. New Towns seemed like the answer, until aldermen decided that the project was "so racially sensitive" it would have to be abandoned. Confirming Silverman's prediction, they hinted that they would go ahead with a normal housing project, if only they didn't have to push this balanced-community goal.

New Bedford's problems were less racial than suburban. Even though the city's mayor had asked for the program, rather than watching it descend from the inscrutable HUD, the families who lived in cozy bungalows did not want a New Town in their midst.

The two cities where New Towns survived this initial-catastrophe stage had such favorable circumstances to start with that anything less than success would have demanded explanation. Atlanta was already in the middle of its own low-cost housing campaign when its New Towns project was announced. Unlike other cities, Atlanta knew that neighbors to the New Town site would not complain: one was a giant prison, the others were railroads and highways. And, in the face of likely objection, HUD dropped some of its racial goals. But before the project could begin, an unexpected citizens' suit froze it.

A devastating indictment

THE HIGH PRIESTS OF WASTE

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In Clinton Township, HUD found the ally it lacked everywhere else—a local group ready to build its own momentum for New Towns. If partial construction of 160 units, a fraction of the original plans, can be counted success, then Clinton was successful. Even those meager results, Derthick says, are due more to the Clinton group's ingenuity than energy from HUD.

The Indefinite Limbo

Toting up the results—three projects canceled, the rest in indefinite limbo, 120 houses built, 160 more underway—Derthick concludes that the New Towns were a disaster, and asks what went wrong. The answer points at the heart of the way the federal government works.

The first premise of the New Town syllogism is that housing, like education, has always been done by local governments. If Johnson could have ordered 5,000 houses built as easily he ordered 5,000 bombs dropped, then the New Towns would be built today. But, since mayors and city councils must approve the plans, the federal government must convince them that its projects are all right. If the cities are already convinced—as they clearly have been about law-enforcement grants—then money or free land is all the incentive needed. If the cities resist, the federal government must find sweet, alluring veils to throw over its programs. (Derthick spends an awkward few pages on this point, concluding: "These cases taken together suggest the proposition: the greater the local support for a project, the greater the likelihood of success.")

The second New Town premise is that the cities were not happy about the program. New Towns was not the first project to meet this response: Model Cities, school integration plans, and certain welfare proposals have been much less popular. The common explanation for them, Derthick says, is that only the federal government is far enough removed from local biases and interests to propose truly innovative social changes. Those being changed often resist.

But if Model Cities could get started, why not New Towns? The reason is that the federal government had far fewer rewards to offer. From the beginning, Johnson decided that New Towns would be *his* program; he would not go to Congress for a new law. This may have been the only way to start the project at all; it gave New Towns what Derthick calls the "executive virtues" of "energy, speed, and flexibility," and it kept the program from the petty complaining, pork-barreling distortion, and probable death it would have faced in Congress. Still, without special legislation, New Towns was equally doomed. Johnson wanted, in effect, to give the federal land away; the General Services Administration refused to do so without legislative authority. So, cities chosen for New Towns were offered land at hardly-bargain rates for projects they didn't want. The failures cannot be too surprising. Similarly, Johnson's attempts to declare military land "surplus" without consulting the sacred armed services committees in Congress left him, New Towns, and HUD in such a weak position that small-time soldiers like those at Fort Sam Houston could kill the project by complaining to their congressmen.

Derthick never makes the comparison, but it is difficult to read these stories of presidential failure without remembering what Johnson was doing at the same time. The same bedside confession that produced New Towns may also have led to a new search-and-destroy policy. While petty obstacles frustrated his plan to build a few harmless houses, Johnson found no obstacle at all to his plans for Vietnam. The disproportion is too obvious to need explanation. It may help explain why Presidents besides Johnson are also more engrossed with land-clearance in the Mekong or special deals in Moscow than with urban renewal in St. Louis or conferences with mayors.

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POLITICAL BOOK NOTES

Public affairs books to be published in October

American Civilization. Daniel J. Boorstin. McGraw-Hill, $29.95.

American Military Commitments Abroad. Roland A. Paul. Rutgers, $12.50.

The American Woman: Her Changing Social, Economic, and Political Roles, 1920-1970. William H. Chafe. Oxford, $7.50.

Americans Are Alone in the World. Luigi Barzini. Library Press/Nash, $5.95.

Aspects of Sociology. Frankfurt Institute for Social Research. Beacon Press, $9.95.

The Atomic Establishment. H. Peter Metzger. Simon & Schuster, $7.95.

Attica—My Story. Russell G. Oswald. Doubleday, $7.95. As advertised, a self-serving account of the Attica slaughter by the warden who presided over it. Still useful for its almanac-like collection of editorials, letters, documents.

The Big Buck and the New Business Breed. E. A. Butler. Macmillan, $6.95. What's wrong with the country might not be free enterprise rampant, but the smug stagnation of the giant corporations. A plug for the maligned "buck smeller" of genuinely free enterprise.

The Big Foundations. Waldemar Nielsen. Columbia, $10.95.

Billions of Dollars and No Sense: America's Misplaced Priorities. Sen. William Proxmire. Simon & Schuster, $6.95.

The Black Dilemma. John Herbers. John Day, $5.95, $1.95.

Black Mountain: An Exploration in Community. Martin Duberman. Dutton, $12.95.

A Black Nun Looks at Black Power. Sister Mary Roger Thibodeaux. Sheed & Ward, $6.95, $2.45.

Black Political Parties. Hanes Walton, Jr. Free Press, $7.95.

The Bosses. Alfred Steinberg. Macmillan, $9.95. The rise and fall of six old-politics bosses in the 1920s and 30s. Saturated with detail.

The Brothers of Attica. Brother Richard X Clark. Random House, $7.95.

Capital, Inflation, and the Multi-Nationals. Charles Levison. Allen and Unwin, Ltd. $6.95. A book which does not live up to its ambitious goal—tying the modern economic woes of inflation, unemployment, wasted resources, and concentration into one logical package. Also suffers from the increasingly rare "affluent society myopia": Levinson assumes that "society" means the rich Western nations, and that an unlimited rise in production is the answer to most ills.

Caution—This Job May Kill You: Ralph Nader's Study Group Report on Occupational Health and Safety. Joseph A. O'Brien, Mary Page. Grossman, $6.95.

Conserving Life on Earth. David Ehrenfeld. Oxford, $10.

CIA: The Myth and the Madness. Patrick McGarvey. Saturday Review Press, $6.95. It's supposed to be about the CIA, but most of the good stuff is about the Defense Intelligence Agency (DIA), where the author worked.

A City on the River. Roderick MacLeish. Dutton, $7.95.

The Company State: Ralph Nader's Study Group Report on Delaware. James Phelan, Robert Pozen. Grossman, $7.95. Tells why it is no coincidence that Congressman DuPont comes from Delaware.

The Complete Ecology Fact Book. Philip Nobile, John Deedy. Doubleday, $10.

Damning the West: Ralph Nader's Study Group Report on the Bureau of Reclamation. Richard L. Berkman, W. Kip Viscusi. Grossman, $7.95.

The Diffusion of Power: An Essay in Recent History. W. W. Rostow. Macmillan, $14.95. What Walt's been doing these last three years. Postwar history, crammed into an enormous volume and worked into a thesis of "planned" liquidation of the American empire. What religion was to Dulles, "national interest" is to Rostow. "We have not been able to formulate a concept of our own interests and policies based upon them which permitted us to avoid costly crises."

The Doomsday Syndrome. John Maddox. McGraw-Hill, $6.95. From an intelligent journalist, a short-sighted, misinformed blast at the ecologists. Turning it into a them-or-us argument, Maddox says we must choose people over beasts.

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The Ecology of Welfare. George Sternlieb, Bernard P. Indik. Dutton, $9.75.

Economic Philosophy of the Twentieth Century. Theo Suranyi-Unger. Northern Illinois University, $12.50. The "abstractly formulated and thus antithetical theories" of both Eastern and Western economics come out second best to "economic and social facts."

Ed Brooke: Biography of a Senator. John Henry Cutler. Bobbs-Merrill, $12.

Eisenhower and the American Crusades. Herbert Parmet. Macmillan, $12.95. A thorough enough chronicle of the Eisenhower years, but not proof for the author's claim that Ike was a closet activist.

Eye in the Last Storm: A Reporter's Journal of One Year in Southeast Asia. James Willweth. Grossman, $6.95.

The FBI and the Berrigans. Jack Nelson, Ronald J. Ostrow. Coward, McCann & Geoghegan, $7.95. A thorough, quite well-written account of the Kissinger kidnap plot. Just the right amount of background—on life as a Jesuit, on Hoover's FBI, on the message carrier who turned state's evidence—added along the way.

Faith in the Twentieth Century: Hope and Survival. Margaret Mead. Harper & Row, $6.95.

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Great Stories of American Businessmen. Editors of *American Heritage*. American Heritage/McGraw-Hill, $15.

The Harrisburg Seven and the New Catholic Left. William O'Rourke. Thomas Y. Crowell, $6.95.

The Heart of the Battle. Edward Faure. McGraw-Hill, $8.95.

The High Priests of Waste. A. Ernest Fitzgerald. Norton, $8.95. An accountant in wonderland. Fitzgerald's descriptions of the Minuteman system, the F-111, and others make one wonder why the C-5A was so notorious. Especially sharp in probing the bureaucratic mind.

The History of American Business and Industry. Editors of *American Heritage* and *Business Week*. American Heritage/McGraw-Hill, $17.95.

Housing Crisis USA. Joseph P. Fried. Praeger, $7.95.

The Improbable Triumvirate—Kennedy, Khruschev, and Pope John. An Asterisk to the History of a Hopeful Year, 1962-63. Norman Cousins. Norton, $5.95. Cousins as go-between during the Cuban missile crisis and the test ban treaty talks. Humanizing, just-folks portraits of the three, the best showing Khruschev as dinner host. Noticing that a smaller-hearted trio now rules, Cousins concludes that the UN should take over.

J. Edgar Hoover Speaks Concerning Communism. J. D. Bales, ed. Capitol Hill Press/Nash, $8.95. From the grave.

John Foster Dulles: A Statesman and His Times. Michael Gukin. Columbia, $12.95.

Landlords and Tenants: A Guide to the Residential Rental Relationship. Jerome G. Rose. Dutton, $9.75, $3.95.

The Last Play: The Struggle to Monopolize the World's Energy Resources. James Ridgeway. Dutton, $8.50.

Law, Politics, and Birth Control. C. Thomas Dienes. University of Illinois, $15.

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The Lion and the Eagle. Basil Collier. Putnam, $12.95.

Mary Wollstonecraft. Elizabeth Flexner. Coward, McCann & Geoghegan, $8.95.

A Mingled Yarn: Chronicle of a Troubled Family. Beulah Parker. Yale, $7.95.

The Money Lords. Matthew Josephson. Weybright & Talley/McKay, $10.

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The Myth of the Middle Class: Notes On Affluence and Equality. Richard Parker. Liveright, $7.95.

The Myths of Antitrust, Economic Theory and Legal Cases. D. T. Armentano. Arlington House, $11.95.

National Health Insurance. John R. Price, Frank F. Furstenberg, Russell B. Roth. American Enterprise Institute, $2.00. Speeches supporting three health plans—Nixon's, Kennedy's, and the AMA's. Informative not only about health, but about the health of the economy and its claim on government attention.

The New Professionals. Ronald Gross, Paul Osterman, eds. Simon & Schuster, $8.95.

New Theories of Revolution. Jack Woddis. New World, $10, $3.65. Covers Fanon, Debray, and Marcuse, and finally condemns them all for abandoning the working class.

News: A Consumer's Guide. Ivan Doig, Carol Doig. Prentice-Hall, $6.95, $3.95.

The Nuclear-Power Rebellion: Citizens vs. the Atomic Industrial Establishment. Richard S. Lewis. Viking, $7.95.

Politics of the Ocean. Edward Wenk. University of Washington, $14.95. Thick, poli-sci study of national and international policies for marine exploration. The preface sets the tone: "The awakening—most succinctly described by the 1966 transition in terminology from 'scientific oceanography' to 'marine science affairs'—did not occur easily, spontaneously, or even visibly."

Power Along the Hudson. Allan R. Talbot. Dutton, $7.95. The battle over the Storm King power plant—the first time the environment showed up in court. A dull, padded beginning tells too much about Henry Hudson and the Erie Canal, but the book then gains steam and covers the legal, scientific, and social questions.

Power and Innocence: A Search for the Source of Violence. Rollo May. Norton, $7.95.

Present Past Past Present: A Personal Memoir. Eugene Ionesco. Grove Press, $1.95.

The Prison: Voices From the Inside. Dae H. Chang, Warren B. Armstrong, eds. Schenckman, $8.95, $3.95.

Race War in High School: The Ten-Year Destruction of Franklin K. Lane High School in Brooklyn. Harold Saltzman. Arlington House, $8.95.

The Rape of the American Virgins. Edward O'Neill. Praeger, $6.95. Like all good exposes, this look at the Virgin Islands tells about more than its subject. One island has turned into Las Vegas in the Caribbean, with cruise ships vomiting rum-lusting tourists ashore; another has a grimy factory amid the vines; a third is still lush, but subject to more primitive exploitation by the Rockefellers and local rich. Also an excellent chapter on migrant workers from "down island"—the rootless people who are this century's slaves.

Raping Our Children: The Sex Education Scandal. Gloria Lentz. Arlington House, $7.95.

The Real World of the Public Schools. Harry S. Broudy. Harcourt Brace Jovanovich, $8.95.

Sex-Pol: Essays 1929-1934. Wilhelm Reich, Lee Baxandall, eds. Random House, $8.95, $2.45.

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Soldier. Anthony B. Herbert. Holt, Rinehart & Winston, $7.95.

South Africa: Civilizations in Conflict. Jim Hoagland. Houghton, Mifflin. An otherwise excellent history of Southern Africa ends with a disturbing reminder that outside of Vietnam, the lessons of Vietnam are lost—even to intelligent journalist-reformers like Hoagland. Coming up against the dilemma of how the U. S. should handle a racist regime, Hoagland sounds just like Edwin Lansdale did in Southeast Asia in 1961. Here is Hoagland's paean to idealistic bloodshed:

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The Star-Spangled Hustle. Robert Lee Grant with Carl Gardner. Lippincott, $7.50, $2.95. Narcissistic, irritating monologue by one of Nixon's black appointees.

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